

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-4447-2017 (O&M)

Date of Decision:-12.03.2018.

Balwant Singh

.....Appellant

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Rajeev Dev Sharma, Advocate for the appellant.

P.B. BAJANTHRI, J. (Oral)

In the instant appeal, appellant who was plaintiff before the Trial Court filed a suit against 7th respondent who is a widow of Late Havildar Avtar Singh claiming that appellant being father of deceased Avtar Singh is entitled to monetary benefits on the score that deceased Avtar Singh had made a Will in favour of the appellant and further 7th respondent Smt. Jaspal Kaur was married to one Sh. Sarabjit Singh. In the absence of divorce between Smt. Jaspal Kaur and Sh. Sarabjit Singh, marriage with Late Avtar Singh was not a valid marriage. Trial Court has appreciated relating to both the issues to the extent that Will was not proved. Further marriage between Smt. Jaspal Kaur and Sh. Sarabjit Singh was also not proved. Rightly Trial Court relied on Pension Act read with the rule that nominee of deceased Avtar Singh is entitled to monetary benefits. Even assuming that deceased Avtar Singh failed to nominate his wife as a

nominee when he entered into service and if the portion of the nominee in the service record is left with blank even then wife of Late Havildar Avtar Singh, namely, Smt. Jaspal Kaur would be deemed to be a nominee. In view of these facts and circumstances, appellant has not made out a case so also he has not established his right to claim any benefit due to deceased Avtar Singh under the statutory rules relating to service conditions of Late Avtar Singh.

(2.) Accordingly, appeal stands dismissed.

(P.B. BAJANTHRI)
JUDGE

March 12, 2018.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.