

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-1943-2019 (O&M)
Date of Decision: 24.01.2019**

Davinder Kaur

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. K.S. Sidhu, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

Pleadings on record indicate that husband of the petitioner was serving as a Clerk under the Municipal Council, Dharamkot and retired on 31.01.2016 upon attaining the age of superannuation. He died thereafter on 09.12.2016.

Widow/present petitioner, Davinder Kaur raised a two fold claim before the respondent/authorities;

(i) For admissible retiral benefits/family pension to be released to her.

(ii) Her daughter to be appointed under Municipal Council, Dharamkot on compassionate basis.

The instant writ petition is directed against the communication dated 26.03.2018 (Anenxure P-12) whereby the afore noticed two claims pressed by the petitioner through a legal notice have been responded to. Insofar as release of retiral dues are concerned, it has been opined that such dues may be released to the legal heirs after deducting the 'misappropriated money' from the dues and accordingly, the matter be taken up for the next meeting of the Municipal Council for necessary approval to be accorded. The claim of the petitioner for her daughter to be appointed on compassionate basis has been

rejected.

Counsel for the petitioner has been heard at length.

In the considered view of this Court, the claim set up by the petitioner seeking compassionate appointment for her daughter cannot sustain. Husband of the petitioner superannuated on 31.01.2016. He expired thereafter on 09.12.2016. It is by now well settled that the concession of compassionate appointment if at all is admissible to a dependant only upon a government employee dying in harness. Since husband of the petitioner had already superannuated prior to his demise, claim of the daughter of the petitioner for compassionate appointment is without merit. To such extent, no infirmity is found in the impugned order dated 26.03.2018 (Annexure P-12).

With regard to the release of admissible retiral dues etc., the Executive Officer, Municipal Council, Dharamkot has already conveyed to the petitioner that the matter would be taken up before the Municipal Council for grant of approval. Needless to mention that a claim for release of admissible retiral dues needs to be dealt with expeditiously.

Accordingly, the instant writ petition is disposed of while upholding the order dated 26.03.2018 (Annexure P-12) with the directions to respondent No.2/Competent Authority to take a final decision with regard to release of retiral benefits in favour of the petitioner and convey the same to her within a period of two months from the date of receipt of a certified copy of this order.

Disposed of.

24.01.2019

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |