Sr. No.211

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

CWP No.15841 of 2015 (O&M)
Date of Decision: 09.04.2019

State of Haryana and others

... Petitioners

Versus

Santosh and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Sunil Kumar Vashisth, DAG, Haryana
for the petitioners.

Ms. Saigeeta Srivastava, Advocate,
for respondent No.1.

<u>ARUN MONGA, J.(ORAL)</u>

Present petition has been filed, *inter alia*, for issuance of a writ in the nature of certiorari to quash the impugned award dated 22.12.2014 (Annexure P-4), passed by Permanent Lok Adalat, whereby, the petitioners/State has been directed to pay an amount of Rs.1 lakh along with interest under the Scheme "***Rajiv Gandhi Parivar Bima Yojana***" owing to the death of husband of respondent No.1, who fell into a well while checking an electric line of his tube-well and died on 22.03.2012.

2. I have gone through the impugned award with the able assistance of learned counsel for respondent No.1 as also the learned counsel for the petitioners and have heard them.

3. In my opinion, no interference is called for in the

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impugned award by this Court as the same does not suffer from any legal infirmity.

4. The argument of the learned counsel for the petitioners that since the deceased was above 60 years, and therefore, under the Scheme, benefit of the insurance could not have been directed by the Permanent Lok Adalat, is totally misplaced. The Scheme itself indicates the eligibility prescribed for grant of benefit to the survivors. The legal heirs of the deceased, being children, should not be above 25 years of age and in case of a spouse, she should not have remarried before the disbursement of the benefits sought under the Scheme. There is no upper age limit prescribed for the person whose death gives rise to the claim. Therefore, the argument that the deceased was above 60 years and respondents are not entitled to benefit under the Scheme, is totally irrelevant.

5. Further more, I am of the opinion that the said age limit of 60 years has been prescribed for the beneficiary, and when tested on the said touchstone, the beneficiary herein being the widow, is concededly less than 60 years and the benefit of insurance has therefore, rightly been directed by the Permanent Lok Adalat.

6. In view of my discussion and the reasoning contained therein, the writ petition is dismissed with no order as to costs.

(ARUN MONGA)
JUDGE

09.04.2019

vandana

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No

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