

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

**CWP No. 10674 of 2018
Date of Decision : 20.03.2019**

Veena and others

...Petitioners

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. H.S. Dhindsa, Advocate for the petitioners.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the claim of the petitioners is for release of the death-cum-retiral benefits of the husband of petitioner No. 1 and father of petitioners No. 2 to 4, who died while in service on 21.11.2013.

As per the facts mentioned in the writ petition, Deepa i.e. husband of petitioner No. 1 and father of petitioners No. 2 to 4 was working as a Safai Sewak with the Municipal Corporation, Amritsar, who, unfortunately, died while in service on 21.11.2013. Petitioners have averred that Deepa had approximately 30 years of service to his credit when he died on 21.11.2013 and the petitioners who are the legal heirs of Deepa, are not being extended the benefits without any valid justification.

Upon notice of motion, a short reply has been filed on behalf of

the Municipal Corporation, Amritsar. In the said reply, it has been stated that Deepa died while in service on 21.11.2013 but in official record, only name, which has been mentioned as nominee, is Ms. Sonia, daughter of his brother.

Learned counsel for the respondents states that petitioners are required to submit a Succession Certificate and it is only after that the benefits can be released to them. Learned counsel states that these precautionary measures are being taken by the Department so that at a later stage, the Department is not put to any inconvenience with regard to the benefit release to the petitioners in case any claim is made by the nominee i.e. Ms. Sonia.

Learned counsel for the petitioners states that nominee cannot be treated as a legal heir and the nominee is only a facilitator, whose role is only to ensure that the legal heirs get the amount for which they are entitled for. Nominee is not a legal heir or the claimant of the amount.

Learned counsel for the respondents states that the Corporation will release the amount in favour of the petitioners, in case the petitioners agree to give an affidavit to the effect that in case after the amount is released in their favour, if any claim is raised for the said amount by anyone else against the Corporation and it is found at that stage that the petitioners were not entitled for the said amount, the said amount will be recovered by the respondents after following the due procedure of law.

Learned counsel for the petitioners is agreeable and states that due affidavit of all the petitioners in this regard will be submitted that in case after the amount is disbursed to them, any claim is raised for the said

amount by anyone else against the Corporation and it is found that the petitioners were not entitled for the said amount, Corporation will be entitled to recover the said amount after following due procedure of law. Learned counsel for the petitioners states that Deepa, whose benefits are to be released to the petitioners died in November, 2013 i.e. more than five years ago and the petitioners are also entitled for interest in view of the settled principle of law settled by the Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab, 1997 (3) SCT 468.***

In respect of the claim of interest, the petitioners shall make due representation to the respondents giving all the details and in case any such representation is filed by the petitioners, the respondents shall pass appropriate orders in view of the settled principle of law deciding about the entitlement of the petitioners about the interest on the said payment within a period of three months.

In view of the above, let the petitioners give an affidavit as undertaken by them within a period of 15 days from today and after the affidavit is given by the petitioners as undertaken by the counsel for the respondents, the amount which the petitioners are entitled for after the death of Deepa, shall be released to them within a period of next two months.

Writ petition stands disposed of in above terms.

March 20, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes*
Whether reportable? *No*