

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1693-2016

Date of decision: - 11.03.2019

Manjit Kaur

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ashish Aggarwal, Advocate, for the petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the prayer which is being made by the petitioner is for the grant of benefits after the death of her husband, who was working as a Chowkidar with the respondents.

As per the averments made in the writ petition, husband of the petitioner was appointed as a Chowkidar on 01.11.1994 and after serving for 19 years, unfortunately he died on 04.05.2013. After the death of her husband, petitioner became entitled for various benefits including the gratuity, ex-gratia, GIS, leave encashment etc. As the said benefits were not being released to the petitioner, she filed the present writ petition.

Counsel for the respondents states that all the benefits, for which the petitioner is entitled for, have already been released and the

details of the same has also been given in the reply, which has been filed on 28.04.2016.

The relevant portion of the said reply is as under: -

“That in this regard, it is respectfully submitted that the husband of the petitioner was working as Chowkidar in the respondents' department and died on 4.5.2013 while in service. After the death of husband of the petitioner, his legal heirs were required to submit certain legal documents for getting terminal benefits on account of death of government employee. The family of the petitioner submitted a dependent family members certificate duly issued by the Deputy Commissioner, Jalandhar on 29.11.2013. Thereafter, the process to release due benefits was initiated and after completing due formalities, the due and admissible terminal benefits on account of death of husband of the petitioner have already been released and sanctioned in favour of the petitioner. The detail of the same is being given herein below for the kind perusal of this Hon'ble Court: -

Sr. No.	Description	Amount in ₹	Date of Payment
1	Ex-gratia grant under Rule 2.7 of Punjab CSR Vol.-I, Part-I	₹1,00,000/-	03.03.2014
2	Death-cum-gratuity	₹3,81,840/-	Sanctioned on 07.03.2014
3	Final Payment of G.P. Fund	₹3,80,860/-	Paid on 06.08.2014
4	Leave encashment	₹42,840/-	Paid on 09.05.2014
5	Group Insurance Scheme	i. ₹15,000/- ii ₹5,829/-	Paid on 17.06.2015 Paid on 20.07.2015
6	Arrears of Pay	₹49,236/-	Paid on 10.12.2014

3. That it is further respectfully submitted that all due and admissible amounts relating to terminal benefits arising out of death of husband of the petitioner as detailed above have been paid to the

petitioner. However, in so far as the grant of family pension to the petitioner is concerned, in this regard it is respectfully submitted that husband of the petitioner was an ex-serviceman and after the discharge from military service he was in receipt of pension in lieu of service which he had rendered in Armed Forces. After his death, the petitioner was receiving family pension from the military. While sending case (copy appended as Annexure R-1) for the release of retiral benefits in favour of the petitioner to the Accountant General Punjab, who is the competent authority for according authorization for such benefits, a note was recorded to this effect in the relevant documents. While issuing certificate and Report vide letter dated 7.3.2014 on the admissibility of Pension/Death-cum-Retirement Gratuity in respect of late husband of the petitioner, the Accountant General, Punjab, had not authorized any family pension to be paid to the petitioner, rather it indicated that nil family pension is to be paid to the petitioner in the said authorization. A copy of the said certificate and report dated 7.3.2014 is being (copy appended as Annexure R-2) hereto for the kind perusal of this Hon'ble Court.

4. That it is further respectfully submitted that the petitioner is in receipt of family pension from the Military on account of death of her late husband, who was an ex-serviceman. The respondent State has not allowed the dual family as yet. The Department of Finance of the respondent-State vide Memo No.3/4/2013 – 3FPPPC/600246/1, dated 1.10.2015 (Copy appended as Annexure R-3) has conveyed to the office of the Accountant General, Punjab (A&E) Chandigarh that the matter regarding grant of dual family pension from Military as well as Civil Employment is still under consideration of the State Government. It was also intimated that as and when the matter is decided by the State Government, the same will be informed accordingly. A copy of the said letter dated 1.10.2015 is being (Appended as Annexure R-3) hereto for the kind perusal of this Hon'ble Court.

5. That as the petitioner is in receipt of family pension from the Military on account of death of her late husband, who was an ex-serviceman and the matter with regard to grant of dual family pension has not been decided by the respondent State as yet, therefore, the petitioner is not entitled to the family pension. However, the petitioner

is still at liberty to opt out the family pension scheme of the respondent-State which is in vogue for families of pensioners and government employees, if she is ready to give up the family pension being received from the Military subject to final decision of the respondent State. In case the petitioner avails the said option, her case for releasing her family pension on account of death of her husband would be duly forwarded and recommended to the Accountant General, Punjab, for according necessary sanction in this regard.

Keeping in view of the submissions made above, the present writ petition is liable to be dismissed.”

Counsel for the respondents further states that after the filing of the reply, even the family pension has been released to the petitioner, after a decision was taken by the competent authority that an employee can be entitled for two family pensions.

Counsel for the respondents have shown the record to this Court, wherein the petitioner has acknowledged the receipt of all the benefits as far as back on 22.11.2018.

Counsel for the petitioner has not been able to controvert the fact that all the benefits, for which the petitioner is entitled for, have been released to her.

In view of the above, no further orders are required to be passed in the present writ petition and the same is disposed of as not pressed by the counsel for the petitioner.

(HARSIMRAN SINGH SETHI)
JUDGE

March 11, 2019
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Whether reasoned/speaking?	Yes
Whether reportable?	Yes