

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17906 of 2015

DATE OF DECISION:10.01.2019

Sukhraj Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.K. Arora, Advocate for the petitioner.
Mr. Mehardeep Singh, Additional Advocate General,
Punjab
for respondents No.1 to 6.
None for respondent No.7.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present petition, widow of Sh. Jatinder Singh has approached this Court for the grant of benefits in respect of the services rendered by her late husband Jatinder Singh as E.T.T. Teacher, who unfortunately died on 22.04.2015.

In the present petition, the claim has been made in respect of the family pension, gratuity, leave encashment, GPF/CPF and ex-gratia alongwith interest. From the pleadings, it transpires that there was a dispute between the petitioner and respondent No.7, who is the mother of the deceased Jatinder Singh, with regard to the claim of the benefits mentioned above. From the pleadings, it transpires that the Dependent Certificate was issued in the name of the mother alone by

the Deputy Commissioner, Tarn Taran on 06.07.2015. The name of the petitioner was missing from the said Dependent Certificate and the petitioner claims that the said certificate was challenged by the petitioner before the Deputy Commissioner and, thereafter, before this Court to declare her as the dependent of Sh. Jatinder Singh i.e. her husband.

It has been contended by the counsel for the petitioner that the petitioner is entitled for the benefits, for the services rendered by her late husband being dependent upon him.

Notice of motion was issued on 27.08.2015.

The reply has been filed on behalf of respondent No.6 and also by the other respondents. In the reply filed on behalf of respondent No.6, it has been mentioned that the decision with regard to the family pension, leave encashment, gratuity, GPF/CPF and ex-gratia is to be taken by the administrative department i.e. the Department of Education. Respondent No.6 is the only authority recommending family pension as the case may be. Further, as and when the family pension case will be received, the same will be processed according to law.

A separate reply has been filed by the Deputy Commissioner, District Tarn Taran-respondent No.5. Alongwith reply, a certificate dated 10.11.2015 has been attached wherein, it has been mentioned that earlier certificate Annexure P-5 dated 12.06.2015, which was issued in the name of the mother alone, has been cancelled and a fresh Dependent Certificate has been issued in

favour of all the three legal heirs, namely, mother (respondent No.7),

petitioner and her son. The said certificate is in operation at the moment.

I have heard the counsel for the parties.

No one is appearing on behalf of respondent No.7 for the last three dates and hence, the present writ petition is being decided without any assistance from respondent No.7.

From the pleadings it is clear that as there was a dispute between the mother and wife of deceased Jatinder Singh in respect of the claim to the amounts, for which dependents became entitled for after the death of Jatinder Singh. Department withheld the benefits for which the dependents of Jatinder Singh were entitled for due to the said dispute. Initially, the Dependent Certificate was issued only in the name of respondent No.7, which certificate has already been cancelled by the Deputy Commissioner vide certificate dated 10.11.2015 (R-5/T), wherein the petitioner and her son has also been included as dependents.

Counsel for the respondents states that once fresh certificate has been issued wherein the petitioner, her son and respondent No.7 has been declared as dependents, the department will take appropriate action with regard to the release of the amount to the dependents according to Rules.

Counsel for the petitioner has no objection to the grant of the benefits to the legal heirs as enumerated in the Dependent Certificate issued by the Deputy Commissioner, Tarn Taran on 10.11.2015 according to the the Rules governing the service for the

grant of the said benefits.

The present writ is disposed of with the direction to the respondents to pass appropriate orders deciding the admissibility of the benefits to the dependents. The said order showing the entitlement shall be passed by the respondents within the period of two months from the date of receipt of a certified copy of this order and the actual amount for which each dependent is entitled for, shall be released to them within one month thereafter. The respondents shall also pay the statutory interest, which the respondents have already earned on the amount which was lying with them.

The writ petition stands disposed of in the above terms.

January 10, 2019
jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes / No
Whether reportable : Yes / No