

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

CWP-25101-2016

Date of decision: - 31.10.2019

Meena

....Petitioner

Versus

**Haryana State Cooperative Supply and Marketing Federation
Limited and another**

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, Advocate
for Mr. Abhilaksh Grover, Advocate
for respondents No.1 and 2.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the claim, which is being made is that petitioner, who is wife of the deceased employee, namely, Amit Kumar, for the release of the benefits after death of her husband in respect of the service, her late husband had rendered with the respondents.

As per the facts mentioned in the writ petition, husband of the petitioner was appointed with the respondents as a Network Supervisor in October, 2010. He continued working with the respondents till 01.08.2016, on which date he unfortunately died. After his death, petitioner is seeking the release of the benefits, for which she was entitled

in respect of the service rendered by her late husband, which is not being released to the petitioner without any valid justification.

Upon notice of motion, the respondents have filed the reply, in which, it has been stated that mother of deceased employee (Amit Kumar) has filed a civil suit seeking the succession certificate and therefore, due to the pendency of the said civil suit in which the mother of deceased-Amit Kumar is seeking benefit of 1/3rd of the service benefits in respect of the service rendered by Amit Kumar, the benefits have not been released either to the petitioner or to the mother of the deceased.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Petitioner is a widow of deceased employee (Amit Kumar) and it cannot be denied that she is one of the legal heirs, who is entitled to be released the benefits in respect of the service rendered by the deceased employee (Amit Kumar). Withholding of the benefits by the respondents only on the ground that mother of the deceased employee has filed a civil suit under Section 372 of the Indian Succession Act in order to claim 1/3rd share of the service benefits, cannot be made a ground to not release any of the benefits.

Learned counsel for the petitioner states that at this stage, petitioner will be satisfied in case the amount, which is not disputed i.e. 2/3rd of the benefits for which the petitioner and her son are entitled undisputedly, to be released in their favour and the remaining 1/3rd for which the mother, namely, Smt.Vimla Devi is also claiming, be released

after the decision of the civil suit in their favour or in favour of Smt. Vimla Devi, as the case may be.

Learned counsel for the respondents have no objection for the grant of the said relief as $2/3^{\text{rd}}$ of the amount for which the petitioner and her son are entitled as the same is not disputed even by the mother (Vimla Devi).

Under these circumstances, the respondents are directed to release $2/3^{\text{rd}}$ of the benefits in respect of the service rendered by deceased Amit Kumar in favour of the petitioner and her son, within a period of two months from the date of receipt of certified copy of this order.

With regard to the $1/3^{\text{rd}}$ share, which is being claimed by the mother, be released after the decision in civil suit filed by the mother under Section 372 of the Indian Succession Act, keeping in view the provisions of law and the rules governing the service in that regard and the decision of the civil suit to the one who is found entitled for i.e. petitioner or the mother of deceased Amit kumar as the case may be.

Present writ petition stands disposed of in the above terms.

October 31, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No