

\$~14

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7559/2018 and CM APPL. 33436/2018**

Ms. DIVINE @ DIKSHA AND ORS. Petitioner

Through: Mr.Arun Yadav, Advocate.

versus

UNION OF INDIA AND ORS. Respondent

Through: Mr.Dev P. Bhardwaj, CGSC with
 Mr.Jatin Teotia and Ms.Rahella Khan,
 Advocates.

Ms.Saahila Lamba, Advocate for R-4.

Mr.Apar Chopra, Government Pleader.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

ORDER
% **03.09.2019**

1. On 5th February, 2019, the following order was passed in e present petition:

“1. Learned counsel for Respondent Nos. 1, 2 and 3 states that as long as the Petitioners are making a categorical statement that they will have no objection to the compassionate appointment given to Respondent No. 4(who married the deceased after his wife expired), Respondent Nos. 1,2 and3 will have no problem in processing the claim of Petitioners 1 to 3 for the family pension.

2. It must be noticed that on the previous date i.e. 17thDecember

2018, a statement was made on behalf of Respondent No. 4 that if her appointment on compassionate grounds is allowed to mature, then she too would have "no objection to the entire pension amount being paid to the children i.e., Petitioners 1 to 3."

3. Learned counsel for the Petitioners, on instructions, is categorical that the Petitioners would have no objection to Respondent No. 4 being given compassionate appointment.

4. Learned counsel for the Respondent Nos. 1 to 3 informs the Court that the case of the Respondent No. 4 as regards compassionate appointment was being processed but was stopped on account of the complaint made by the Petitioners. Now in view of the above categorical statement made on behalf of the Petitioners, the said process will be continued and appropriate orders issued for Respondent No. 4 to be given compassionate appointment.

5. The above process be completed within a period of 12 weeks from today. It is made clear that the Respondent Nos. 1 to 3 will pass orders granting the pension to the Petitioner Nos. 1 to 3 only after Respondent No. 4 is given appointment on compassionate grounds.

6. For compliance with the above directions, list on May 2019."

2. Learned counsel for the Respondent No. 4 informs the Court that she has been given compassionate appointment and is already undergoing the training. Learned counsel, on instructions, states that she would have no objection to the family pension payable on account of the deceased Shri Ravinder Kumar being hereafter paid to the Petitioners, i.e., his three children, (Petitioner Nos. 1 to 3 herein) through their grandmother, Petitioner No. 4 herein.

3. Learned counsel appearing for the Respondent Nos. 1 to 3 states that the necessary documents have to be submitted by the Petitioners to enable them to process the claims for family pension. Learned counsel for Respondents No.1 to 3 has handed over to the learned counsel for the Petitioners a list of documents that have to be submitted.

4. It is directed that once the aforementioned documents are submitted by the Petitioners within the next ten days, the claims of the Petitioners will be processed and the necessary orders shall be issued within a period of four weeks thereafter. If there is any non-compliance with the above directions, it is open to the Petitioners to apply to the Court.

5. As regards the monetary benefits already released to the Respondent No. 4, there appears to be a dispute about whether her in-laws have taken away the amount paid to her from her account. Apart from an averment to that effect in Para 2 of CM No. 33436 of 2018 filed by Respondent No.4, the Court finds from the records of the Respondent Nos.1 to 3 that she had served a legal notice dated 23rd January, 2018 on her father-in-law for refund of a sum of Rs.5,70,000/- alleging that he had withdrawn it from her account on various dates.

6. The Court would not like to examine these disputed questions in the present petition and leaves it open to the parties to work out their remedies in some

other appropriate proceedings.

7. The petition and application are disposed of in the above terms.

8. Order be given *dasti* to the parties.

S. MURALIDHAR, J.

TALWANT SINGH, J.

SEPTEMBER 03, 2019

pa