

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

107

CWP No.5267 of 2020
Decided on :16.12.2020

Anupartap Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Ranjivan Singh, Advocate
for the petitioner.

Mr. TPS Chawla, DAG, Punjab.

(The proceedings are being conducted through
video conferencing as per instructions.)

G.S. Sandhawalia, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India, seeking quashing of the order dated 25.11.2019 (Annexure P-13) whereby the claim of the petitioner for compassionate appointment has been rejected which was on the basis of the death of the adoptive mother of the petitioner on 26.08.2008 when he was a minor (11 years of age). Similarly issuance of directions to the respondents to release the due pensionary/retiral and other monetary benefits to the petitioner under the provisions of PCSR alongwith the interest 18% p.a. on account of the death of his mother, in harness, on 26.08.2008 while serving as regular peon in the respondent-department, has also been prayed for.

Since the order was non-speaking as such directions to the

State were issued on 27.02.2020 and fresh order was passed by the State on 12.03.2020. Liberty was accordingly given to challenge the said order through separate writ petition. However, the claim for the benefits in pursuance of death of the mother as such was kept alive. The short affidavit filed by the Assistant Excise and Taxation Commissioner, Bathinda would show that the said claim has been accepted and the respondent is ready to pay the retiral/pensionary benefits of the government employee Smt. Beerpal Kaur alias Veerpal Kaur to the petitioner being her adoptive son. The claim as such is alleged to have been raised after huge delay and time is thus sought in clearing the claim made.

Counsel for the petitioner submits that he would be satisfied if time bound direction is given to the State for making the payment of due retiral/pensionary benefits. On the issue of interest as such he submits that he is also entitled to interest.

However, this Court is of the opinion that there is nothing on record as such to show that the petitioner had made a request as such for the said benefits. The father of the petitioner, is alleged to have passed away on 08.01.2013 when he was 16 years of age. The petitioner attained the age of maturity in the year 2015 and the present writ petition has been filed in 2020. Accordingly, counsel for the petitioner submits that he may be given liberty to put forth his claim for interest in appropriate proceedings by giving necessary particulars.

Accordingly, the writ petition is disposed of by giving the

directions to the State to process the case of the retiral/pensionary benefits and other dues etc. which are payable within a period of 3 months from the receipt of the certified copy.

Liberty is given to the petitioner to press his claim for interest in ancillary proceedings as observed above.

16.12.2020

Parveen

Whether speaking/reasoned:
Whether Reportable:

(G.S. SANDHAWALIA)
JUDGE

Yes/No
Yes/No