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

**CWP No. 12968 of 2017
Date of decision: 27.01.2020**

Lalit Kashyap

.....Petitioner

Vs.

Panjab University, Chandigarh and others.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harmanpreet Singh, Advocate for
Mr. Naveen Sheokand, Advocate
for the petitioner

Mr. Rohit Mittal, Advocate for
Ms. Divyastuti Parsoon, Advocate for the respondents.

HARSIMRAN SINGH SETHI, J. Oral

The prayer of the petitioner in the present writ petition is for issuing a direction to the respondent-Panjab University, Chandigarh for releasing the benefits, for which he is entitled in respect of the services rendered by his deceased mother Smt. Bimla Rani. Learned counsel for the petitioner argues that petitioner is the sole surviving legal heir of Smt. Bimla Rani and has already been granted compassionate appointment after her death but the benefits, in respect of the services rendered by his late mother Smt. Bimla Rani, are not being released to him without any valid justification.

Upon notice of motion, respondents have filed reply and in

the reply, the objection raised by the respondent-University for non-

release of benefits in favour of the petitioner is that there was no nomination done in favour of the petitioner by his late mother Smt. Bimla Rani and, therefore, the petitioner has not been released the said benefits.

Further it has been mentioned by the respondent-University that the petitioner has been requested to get succession certificate issued by the competent court of law before the benefits are released in favour of the petitioner in respect of the service which Smt. Bimla Rani had rendered with the Panjab University, Chandigarh.

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

It has been admitted by the respondent-University that after the death of Smt. Bimla Rani, petitioner has been given compassionate appointment. That being so, the respondent-University cannot dispute that the petitioner is the legal heir of Smt. Bimla Rani.

With regard to the argument raised by the learned counsel for the respondent-University, that there could be more than one legal heir entitled for the benefits, learned counsel for the University has not been able to show as to whether the said fact was ascertained from the petitioner at the time of giving him compassionate appointment.

Be that as it may, the interest of the University will be secured in case, petitioner files an undertaking before the respondent-University that there is no other legal heir, who is entitled for the release of benefits in respect of the services rendered by his late mother Smt. Bimla Rani. Let the petitioner file the said undertaking

before the respondent-University and respondent-University will be at

liberty to verify the same within a period of three months from the receipt of said undertaking and in case, the respondent-University does not find anything contrary to the said undertaking, the benefits in favour of the petitioner shall be released within a period of one month thereafter. At the time of release of the benefits, the University will be at liberty to take an affidavit from the petitioner that in case, after the release of benefits anything contrary to the abovesaid undertaking furnished by the petitioner, comes to their notice, the University will be at liberty to take appropriate action in that regard.

The writ petition is disposed of with the above said terms.

January 27, 2020
pry

(HARSIMRAN SINGH SETHI)
JUDGE

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