

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

**CWP No.31343 of 2018 (O&M)
Date of decision : March 05, 2020**

Neelam Devi

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Kashmir Singh, Advocate for
Mr. Sandeep Kumar-I, Advocate for the petitioner.

Mr. Pritpal Singh Miglani, Advocate for the respondents.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that the petitioner has not been granted the benefit of the service rendered by her late husband Rakesh Kumar. The prayer of the petitioner is that all the financial benefits for which the petitioner is entitled be released to her along with the arrears and interest as the husband of the petitioner had unfortunately died.

Upon notice of motion, the respondents have filed a short reply. In the reply, the respondents have admitted that the claim of the petitioner for grant of ex-gratia lump-sum compensation and ex-gratia of extra ordinary pension under Central Civil Services (extra ordinary pension) Rules 1998 has been accepted. The respondents have stated that the Commandant 18 Battalion (ITBP) vide order dated 03.01.2020 has found that the cause of the death of the late husband of the petitioner was attributable to the service and hence the legal heirs will be entitled for all the financial benefits admissible under

the Rules and the respondents shall consider the claim of the petitioner and recommend the same to the concerned authority. The relevant paragraph of the reply is as under:

“1. That the petitioner filed Civil Writ Petition before this Hon'ble Court for claiming the grant of Ex-gratia Lump-sum compensation and grant of extra ordinary pension under Central Civil Services (extra ordinary pension) rules 1998.

2. That the claim of the petitioner was reconsidered by the department and now has come to the conclusion that the claim of the petitioner be considered and benefit be given to the petitioner as per Rules.

3. That now the Commandant 18 Battalion (ITBP) has observed in his order dated 03.01.2020 that death the petitioner has been caused due to reasons attributable to service and hence, his legal heirs/Next of kin shall be entitled for all financial benefits admissible under the Rules.

4. That now the answering-respondents shall consider the claim of the petitioner and send the case to the concerned authorities.

In view of that the Civil Writ Petition may kindly be disposed off accordingly, in the interest of justice.”

Keeping in view the above that as in principle the respondents have already accepted the claim of the petitioner and only the consequential benefits are to released, the present writ petition is disposed of with a direction to the respondents that order dated 03.01.2020, by which the petitioner has been held entitled for various benefits, keeping in view the fact that the cause of the death of late husband of the petitioner was

attributable to the service, will be implemented and consequential benefits will be released to the petitioner within a period of three months from the date of receipt of certified copy of this order.

While releasing the said benefit, the respondents will also examine the claim of the petitioner for the grant of interest as her husband had died on 04.11.2008 while performing the duties at CHUMAR CHOUKI, which is highest altitude in Leh (J&K) where temperature dips up to -40°C and the benefits are being released to the petitioner after a period of approximately more than 11½ years. It is made clear that in case the petitioner is still aggrieved against any action of the respondents, the petitioner will be at liberty to avail appropriate remedy.

(HARSIMRAN SINGH SETHI)
JUDGE

March 05, 2020

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Whether speaking / reasoned Yes

Whether Reportable: No