

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

201

CWP-5816-2019 (O&M)

Decided on : 13.07.2022

Sanjay

.....Petitioner(s)

Versus

U.T. Chandigarh and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE VIKAS SURI**

Present: Mr. Ashok Sharma Nabhewala, Advocate for the petitioner.

Mr. Namit Kumar, Addl. Standing Counsel
for respondent No.1-U.T. Chandigarh.

Mr. Barjesh Mittal, Advocate for respondent No.2.

Mrs. Vikas Chaudhary, Advocate for respondent Nos.3 to 7.

G.S. Sandhawalia, J. (Oral)

The present writ petition has been filed under Articles 226/227 of the Constitution of India for claiming the relief of Gratuity, GP Fund, Group Insurance, Pension and other pensionary benefits in accordance with Central Civil Services (Pension) Rules, 1972 (for short '1972 Rules').

The Tribunal had decided the issue vide impugned order dated 12.10.2018 (Annexure P-1), wherein it came to the conclusion that Premo-respondent No.3, who was the second wife of the employee was entitled for the Gratuity, GPF, CGEIS as she had been declared a nominee and was held entitled to 100% of the share of the abovesaid benefit. The claim for payment of retiral benefits including family pension were also disposed off by directing that the disbursal of the family pension should be as per Rule 54 (6) (ii) and (iii) of the 1972 Rules. The petitioner apparently was thus not a beneficiary of this order in any manner as he was born from the first marriage and married being over 25 years of age and, thus, barred under the 1972 Rules.

On the last date of hearing on 09.03.2022 the following order was passed:-

“It has been brought to the notice of this Court that civil suit *inter se* the parties has since been decided, whereby even the issue of retiral benefits has been touched upon.

Let, a copy of the judgment passed in the said civil suit be placed on record by the next date of hearing.

Mr. Nabhewala submits that it is nothing to do with the present issue. In case, it is found incorrect, the petitioner will be burdened with costs of Rs.10,000/-.

List on 13.07.2022.”

Today, counsel for the respondents have produced the judgment dated 22.10.2019 *inter se* the parties, wherein the suit of the present petitioner was decreed only to the extent of 1/6th share qua house in question as well as services/retiral benefits of late Som Pal.

It is, thus, apparent that the said judgment which had been passed during the pendency of the proceedings had never been placed on record and had been concealed from this Court and orders are sought contrary to what had been decided *inter se* the parties. We cannot but frown upon the conduct of the litigant to conceal facts for getting orders in his favour in this manner.

Counsel for the petitioner has now submitted that compromise has been effected between the parties and he does not press the present petition.

Be that as it may, the writ petition is dismissed as infructuous. However, the petitioner shall pay costs of Rs.10,000/- as directed vide order dated 09.03.2022 to respondent Nos.3 to 7 for his conduct.

(G.S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

July 13, 2022
Naveen

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No