

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(248)

CWP-10606-2021

Date of Decision : May 04, 2022

Rumanpreet and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vipin Mahajan, Advocate, for the petitioners.

Ms. Anju Sharma Kaushik, Deputy Advocate General,
Punjab.

Mr. A.S. Manaise, Advocate, for respondent No.7.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the prayer of the petitioners is with regard to the grant of service benefits including the family pension in respect of the service rendered by late Nirlep Singh, who died while in service on 18.05.2020 while performing the duties on the post of Deputy Superintendent of Police in Punjab Police.

The claim being made by the petitioners is being resisted by respondent No.7, who is the child born from the first marriage of late Nirlep Singh, solemnized with Gurdish Kaur. The marriage of Nirlep Singh with petitioner No.1 is subsequent to the divorce of Nirlep Singh from his first wife namely Gurdish Kaur and petitioners No. 2 and 3 are minor children

born out of the wedlock between petitioner No.1 and late Sh. Nirlep Singh.

The grievance being raised by the petitioners is that though the rules are clear with regard to the grant of service benefits where an employee had solemnized more than one marriage but the said rule is not being brought into operation while granting the service benefits as well as family pension, which is causing prejudice to the petitioners.

Learned counsel for respondent No.7 submits that respondent No.7 has already filed a civil suit claiming the said benefits, which is pending consideration.

Learned State counsel submits that the State has no objection in deciding the claim of the parties concerned as per the rules governing the said aspect, by passing appropriate order and whosoever is found entitled for the service benefits as well as for the family pension, the same will be disbursed to them according to their entitlement as determined under the rules.

Keeping in view the above, as the entitlement of the petitioners as well as respondent No.7 is to be seen under the rules governing the said aspect, let the State pass a speaking order keeping in view the facts and circumstances of this case, within a period of eight weeks of the receipt of copy of this order with regard to the entitlement of the service benefits and family pension by the petitioners as well as respondent No.7 and the respondents-State will disburse the said benefits according to the entitlement as determined by the said speaking order.

It is made clear that if any of the parties is aggrieved against the speaking order so passed, they will be at liberty to avail the appropriate remedy for the redressal of the grievance before the appropriate authority. It

is also made clear that in case rules do not envisage any grant of succession

certificate and the factum of the marriage of petitioner No.1 with Nirlep Singh is already on record, then appropriate orders will be passed without insisting upon succession certificate, while determining the entitlement.

The present writ petition is disposed of in above terms.

May 04, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No