

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112)

CM-11872-CWP-2022 in/and
CWP-14940-2018
Date of Decision : August 10, 2022

Balwan Singh and another

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajesh Khandelwal, Advocate, for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

Mr. Ajay Jain, Advocate, for respondents No. 5 & 6.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-11872-CWP-2022

Present application has been filed for disposing of the main writ petition i.e. CWP No.14940 of 2018 by directing the official respondents to release the death/service benefits to respondent No.5 in view of the compromise effected between the parties.

Notice of the application to the counsel opposite.

Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of respondents-State and Mr. Ajay Jain, Advocate, who is also present in the Court, accepts

notice on behalf of respondents No. 5 and 6 and they raise no objection in

case prayer made in the present application is accepted.

Keeping in view the above, the application is allowed and on oral request of learned counsel for the parties, hearing of the writ petition i.e. CWP No.14940 of 2018 is preponed from 22.09.2022 to today.

CWP-14940-2018

In the present petition, the grievance of the petitioners is that the petitioners, who are father and mother of the deceased employee, should be given the benefits in respect of the service rendered by their son namely Maya Singh, who was working as a Constable with the Haryana Police and had unfortunately died on 22.05.2011 while in service. At the time when Maya Singh died, he was married to one Manoj Bala, who according to the respondents, got remarried and is living separately and therefore, the benefits in respect of the service rendered by Maya Singh, should be extended to the petitioners only and not to his widow.

Learned counsel for the petitioners submits that during the pendency of the present petition, the matter has been compromised by the petitioners with the respondent No.5 and the minor daughter of the deceased and they have no objection in case, the claim is allowed in the favour of the person, who is entitled under the rules.

Learned State counsel submits that the Department has no objection in releasing the benefits in favour of the person who is entitled for the same under the rules and will not be governed by any agreement which has been entered into between the petitioners and respondents No. 5 and 6.

Learned counsel for the petitioners as well as learned counsel for respondents No. 5 and 6 submit that bifurcating the benefits as per the agreement is upto them and they have no objection in case, the Department

release the benefits in favour of the person who is entitled for under the rules.

Keeping in view the above, the present petition is disposed of with a direction to the respondents-State of Haryana to consider the claim of eligible legal heirs of the deceased employee and release the benefits in respect of the service rendered by the deceased, in favour of the said person, who is entitled for the same under the rules.

Let the admissible benefits be released within a period of two months of the receipt of copy of this order.

August 10, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No