

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

COCp-249-2023 (O&M)
Date of decision: 11.09.2023

Sarbjeeet Kaur

....Petitioner

Versus

Baldev Singh Saran and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sahil Soni, Advocate
for the petitioner.

Mr. Rishabh Gupta, Advocate
for the respondent – PSPCL.

ARVIND SINGH SANGWAN J. (Oral)

The original writ petitioner namely Amandeep Singh has filed CWP No.8965 of 2016 with a prayer that the order dated 10.09.2015 declining him the compassionate benefits on account of death of his father Bhupinder Singh, who was a government servant be set-aside and all the benefits be granted to him.

The writ petition was disposed of by this Court on 14.08.2019, with the following observations:-

“16. In the totality of the circumstances, I am of the view that declining to consider the case of the petitioner on the ground that his mother had re-married is arbitrary and capricious. In case, the mother of the petitioner had remarried, it can at best be a ground to decline her appointment on compassionate grounds. But the petitioner, who is the biological son of the deceased employee and admittedly died in harness while performing his duties in an accident totally attributable to his nature of job. In any

case, it is hard to construe that after the re-marriage of the mother of the petitioner, the petitioner does not cease to be a dependent family member of the deceased employee.

17. In view of my discussion above and reasons contained therein, the impugned order dated 10.09.2015 (Annexure P-13) is set aside with a direction to the respondents to reconsider the application of the petitioner in accordance with prevalent applicable Policy at the relevant time by considering him a dependent family member of the deceased employee and proceed to accord the benefit of the Policy in accordance with law.

18. Let a decision be taken in accordance with law.

19. It would be appreciated if the applicant's case is considered as expeditiously as possible and, in any case, not later than the next available vacancy commensurate with his eligibility/qualifications.

20. Disposed of in above terms.”

It is worth noticing that even Amandeep Singh, subsequent to passing of the order dated 14.08.2019, has sought some clarification, which was also disposed of on 06.07.2021, by passing the following order:-

“This is an application for clarification of the order dated 14.08.2019 passed by this Court.

Heard.

Order dated 14.08.2019, passed by this Court is clarified to the extent that case of the petitioner shall be considered as per the policy, prevalent as on the date of death of the father of the petitioner.

Application stands disposed of.”

It is also worth noticing that during the pendency of the review application, Amandeep Singh had died and now, his wife namely Sarabjit Kaur (present petitioner) moved an application before the Writ

Court, which was disposed of on 27.10.2022, by passing the following order:-

CM-15156-CWP-2021

For the reasons stated in the application, the same is allowed as prayed for, subject to all just exceptions. It is made clear that the applicant, being the widow (LR) of the deceased-petitioner, is entitled to the benefit as per the original order dated 14.08.2019 vide which CWP-8965-2016 was disposed of.

CM-15725-CWP-2021

Order under review was passed on 14.08.2019 and the instant application has been preferred after more than 2 years. No worthy grounds for interference are made out. Dismissed on the grounds of delay and laches alone.”

Counsel for the petitioner has submitted that now the State Government has framed a scheme for compassionate appointments on 06.12.2022, in which it is stated that even the wards of deceased employee of PSEB, who have died before 16.04.2010 and were earlier covered under the solatium policy are also entitled to compassionate appointment.

Counsel for the respondent has submitted that the petitioner has earlier filed a petition i.e. COCP No.4043 of 2019, which was withdrawn and thereafter, the present petition has been filed. It is also submitted that the PSPCL has sent a cheque of Rs.3.00 lacs towards the ex-gratia benefit to the petitioner, however, according to counsel for the petitioner, the same was not accepted.

Counsel for the respondent has further contended that though the original writ petitioner Amandeep Singh, being the son of

deceased - Bhupinder Singh, was a dependent, however, the petitioner, being the daughter-in-law of the deceased is not covered under the policy, not being a dependent person, but still the compassionate solatium of Rs.3.00 lacs was offered to the petitioner.

After hearing the counsel for the parties, this Court finds that there is no willful disobedience of the order dated 14.08.2019 as it is a disputed fact whether the petitioner, being the daughter-in-law of the deceased employee is covered in the policy or not, which cannot be decided in the present contempt petition.

Accordingly, the present petition is dismissed.

However, liberty is granted to the petitioner to avail the alternative remedy in accordance with law, if so advised.

(ARVIND SINGH SANGWAN)
JUDGE

11.09.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No