

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(311)

CM-2739-C-2022 in/and
RSA-2316-2004
Date of Decision : April 10, 2023

Savitri Devi

.. Appellant

Versus

Punjab State and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Aarushi Garg, Advocate, for
Mr. Mohan Singh Chauhan, Advocate, for the appellant.

Mr. Gurvinder Singh, Assistant Advocate General, Punjab
for respondents No. 1 to 3.

Mr. S.K. Rattan, Advocate, for respondents No. 4 to 6.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-2739-C-2022

Present application has been filed for early hearing of the main
appeal i.e. RSA No.2316 of 2004.

Notice of the application to the counsel opposite.

Mr. Gurvinder Singh, learned Assistant Advocate General,
Punjab, accepts notice on behalf of respondents No. 1 to 3 and Mr. S.K.
Rattan, Advocate, accepts notice on behalf of respondents No. 4 to 6. They
raise no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which is duly supported by an affidavit, the same is allowed and the main appeal is taken up for hearing today itself.

RSA-2316-2004

Present Regular Second Appeal has been filed by the mother of the deceased employee claiming service benefits in respect of the service rendered by her son with the respondents.

Learned counsel for the appellant submits that the parties have already compromised their dispute as to how to apportion the service benefits in respect of service rendered by Sucha Singh hence, keeping in view the compromise Annexure A between the parties appended along with CM-2739-C-2022, the present appeal may kindly be disposed of having been not pressed any further.

Learned counsel for respondents No. 4 to 6 submits that there has been a compromise between the parties so as to resolve their dispute and the parties will abide by the terms and conditions of the said compromise Annexure A.

Learned State counsel submits that terms and conditions of the compromise are not in consonance with the rules governing the service and therefore, the payment of the service benefits will be given to the person entitled as per the rules governing the service and it will be upto the appellant as well as the respondents to bifurcate their service benefits as their own after receipt of the same as the State is bound to disburse the benefits in accordance with law only and not on the basis of compromise between the parties.

Learned counsel for the appellant as well as learned counsel for the respondents No. 4 to 6 submits that as they have already agreed on certain terms and conditions as mentioned in compromise Annexure A, they have no objection in case the benefits are released in favour of the person by the Department, who is found entitled for as per the Rules with further liberty to the parties to bifurcate the same in accordance with their compromise.

As Sucha Singh was also having a minor son at the time of his death, after the marriage of Satwant Kaur, the entitlement of the minor son be examined for the grant of family pension upto the date of eligibility of the minor son and appropriate order be passed within a period of three months of the receipt of the order.

Keeping in view the above, the present appeal is disposed of having been not pressed any further with the direction to respondent-State to compute and release the benefits in respect of the service rendered by Sucha Singh husband of respondent No.4 in the present Regular Second Appeal, within a period of three months from the receipt of copy of this order.

April 10, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No