

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

**CWP No.13738 of 2020 (O&M)
Date of decision : 18.01.2023**

Ajay Kumar Bali

..... Petitioner

versus

State of Punjab & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. P.K.Goklaney, Advocate and
 Mr. Ashish Goklaney, Advocate
 for the petitioner.

Mr. Inderpreet Singh Kang, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

By way of present petition filed under Article 226/227 of the Constitution of India petitioner prays for issuance of a writ in the nature of Certiorari for quashing of the impugned order dated 16.04.2018 (Annexure P-3) by which respondents have refused to release the service benefits to the petitioner which are admissible owing to the service rendered by his brother who has gone missing since 31.03.2010.

Counsel for the petitioner submits that the petitioner being Class-I heir as per schedule appended to the Hindu Succession Act, he will be entitled for the terminal benefits after lapse of 7 years from the date Pawan Kumar who was working as Constable in the Punjab Police went missing. He further submits that the authorities have gone wrong while declining the claim of the petitioner on the ground that the pensionary benefits cannot be granted to brother under the Rules.

He submits that the claim is not for the pensionary benefits but for terminal

Learned State counsel very fairly submits that the terminal benefits of the missing employee would be his property and thus the petitioner will be well within his right to claim the same on the basis of succession. He prays for 12 weeks time to do the needful.

Without expressing any opinion on the merits of the case or the claim being made by the petitioner in the present petition, the official respondents are directed to consider and decide the claim made by the petitioner in accordance with law, by passing a speaking order within a period of three months from the date of receipt of certified copy of this order. In case, the petitioner is found entitled, his claim be released within a period of six weeks thereafter.

The petition stands disposed off.

(PANKAJ JAIN)
JUDGE

18.01.2023
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable:	No