

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-12524-2023

DATE OF DECISION: JULY 17, 2023

AMARJIT KAUR

...PETITIONER

VERSUS

PUNJAB STATE POWER CORPORATION LTD.
AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA.PRESENT: MR. MALHAR SINGH DHAMI, ADVOCATE
FOR THE PETITIONER.MR. PARTAP SINGH GILL, ADVOCATE
FOR THE RESPONDENTS.**DEEPAK MANCHANDA, J.(ORAL)**

The petitioner has filed this writ petition under Article 226/227 of Constitution of India with a prayer for directing the respondents to correct the description of death of the husband of the petitioner, i.e. '*death in accident while performing duty*' and consequentially grant Special Service Pensionary Benefits with interest as per Circular No.1/86 dated 24.6.1986 (Annexure P-2) in lieu of already granted liberalized family pension, considering the death of the husband of the petitioner as '*sudden death*'.

Brief facts of the case are that the Sukhraj Singh (deceased), husband of the petitioner joined the services of the respondent-Corporation on 16.1.1992 as work-Charge T-Mate at Jandiala Guru Division, Amritsar and was subsequently appointed as Assistant Lineman on regular basis w.e.f. 23.11.2005. On 12.1.2014, when said Sukhraj Singh went to his duty from home on his motorcycle, he did not return back home and on the next day,

i.e. on 13.1.2014, at about 6.00 a.m., he was found dead in a road accident, being hit by an unknown vehicle on the road leading from Jagatpura to village Dhand and resultantly FIR No.04 dated 13.1.2014, under Section 304-A, 279, 427 IPC was also got registered at Police Station Sarai Amanat Khan, District Tarn Taran (Annexure P-1).

It is the case of the petitioner that as per Circular No.1/86 dated 24.6.1986 (Annexure P-2), issued by the respondent-Corporation, it was decided that the families of regular employees who died while performing their official duties and became victims of fatal accidents while on duty will be granted special pensionary benefits which will be equal to the last pay drawn upto the date the employees would have retired on attaining his superannuation. However, the petitioner received DCRG & other retiral benefits as was applicable in case of '*ordinary death*', even after submitting a prior application 29.12.2015 (Annexure P-3) to change the description of death of her husband from '*sudden death*' to that of '*death due to accident while on duty*'. The claim of the petitioner for grant of compassionate payment/Solatium/compassionate appointment was also not considered and despite repeated requests for correction in description of death of Sukhraj Singh, no action was taken by the respondent-Corporation. Feeling aggrieved, the petitioner served a legal notice dated 16.4.2022 upon the respondent-Corporation and in reply to the same dated 27.5.2022 (Annexure P-7), the respondent-Corporation rejected the claim of the petitioner.

Learned counsel for the petitioner contends that in spite of repeated requests the prayer for making correction in the description of the death of the husband of the petitioner has not been accepted.

On receipt of advance copy, Mr. Partap Singh Gill, Advocate has put in appearance on behalf of the respondents and while referring to Annexure P-7 reply to the legal notice he submits that the claim of the petitioner that her husband died during day time in between 12/13.1.2014 is factually incorrect as vide letter No.86 dated 13.1.2014 signed by the Sub Divisional Officer, concerned it had been intimated that the deceased husband of the petitioner died during the intervening night of 12/13.1.2014. He further submits that the statements of Junior Engineer Narinder Singh as well as the Assistant Lineman Jagtar Singh were also got recorded in which they stated that the deceased-employee, i.e. the husband of the petitioner was relieved from duty at 5.00 p.m. on 12.1.2014 he left for his home. Furthermore, even as per the FIR, the time of death has been shown during the night between 12/13.1.2014 at 22:00 p.m. To 00:05 a.m., but these facts have been concealed by the petitioner. He also draws the attention of this Court while referring to the said reply that in the affidavit attached with the application for appointment on compassionate ground filed by Gurpreet Singh, son of the petitioner, the reason of death of employee has been mentioned as 'Sudden Death' and in the other application for appointment on compassionate ground filed by Manpreet Singh, another son of the deceased-employee, the cause of death of his father has been mentioned as 'Road Accident' which shows that there was a complete variance while mentioning the cause of death of the husband of the petitioner in the respective applications filed by both the sons for appointment on compassionate ground.

I have heard learned counsel for the parties and perused the

material on record.

As per pleadings of the present petition, initially an application dated 29.12.2015 for change of description of death of her husband from '*sudden death*' to that of '*death due to accident while on duty*' was submitted by the petitioner and when the same was not considered, a legal notice dated 16.4.2022, was sent to the respondent-Corporation with the similar request after a gap of more than 7 years, which was replied vide Memo No.2614 dated 27.5.2022 (Annexure P-7) explaining all the reasons and details in respect of the cause of death of the deceased-employee, i.e. the husband of the petitioner.

As per the stand and submissions made by learned counsel for the respondent, while referring to the statements of the concerned Junior Engineer and Assistant Lineman with regard to relieving the petitioner from duty on 12.1.2014 at 5.00 p.m., the time period mentioned in the FIR regarding the death of the husband of the petitioner as intervening night of 12/13.1.2014, and the variance made in their respective application/affidavit by both the sons of the deceased-employee for appointment on compassionate ground, the present petition is devoid of merit and is hereby dismissed.

July 17, 2023
Gulati

(DEEPAK MANCHANDA)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No