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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-14214-2023 (O&M)
Date of Decision: 07.07.2023

Tajinder Kaur
..... Petitioner

Vs.
State of Punjab and others
..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Ashok Bhardwaj, Advocate
 for the petitioner.

 Mr. Paramjit Batta, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. By way of present Writ Petition, petitioner prays to direct the respondents to issue legal heir aid certificate to the petitioner as claimed her in application dated 02.06.2022 (P-3).
2. Learned counsel for the petitioner submits that the State of Punjab issued instructions from 19.09.2002 (P-10) directing the Heads of the Departments and Commissioner of Divisions to issue legal heir certificates.
3. I have considered the submissions.
4. Earlier this Court passed an order to the respondents to examine the claim of the petitioner and the Deputy Director has reached to the conclusion that the said legal heir certificate in terms of the orders passed by the Court cannot be issued as the deceased has nowhere mentioned in his entire service record of the petitioner being his wife.

- 5. In the said circumstances, the applicability of the circular dated 19.09.2002 for issuing of legal heir certificate is found to be misconceived. The said circular is solely for the purpose of considering respective claims of persons for compassionate appointment, and in that respect the department is empowered.
- 6. However, claim of any person for the retiral benefits of an employee who has not mentioned of the relation or named him in the service record during his lifetime, can be settled only after a competent Civil Court gives a declaration in his or her favour. Procedure for obtaining succession certificate in this regard has been laid down under the Indian Succession Act, 1925 as well as Hindu Succession Act, 1956.
- 7. The petitioner would have to get the said competent declaration from the competent court granting her liberty to apply for the same.
- 8. Petition is misconceived and dismissed accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

July 07, 2023
Mohit

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |