

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.2965 of 2015 (O&M)

Date of Order:26.05.2023

Rani Devi and another

.Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vishal Aggarwal, Advocate
for the petitioners.

Mr. D.K.Singal, Addl.A.G., Punjab

ANIL KSHETARPAL, J

1. The petitioners inter-alia pray for various reliefs including the writ of mandamus to direct the respondents to give employment to petitioner no.2 on the compassionate basis and release the arrears of dues payable to the petitioners in view of the services rendered by Sh. Amar Nath (civil dead), who is missing from 25.08.1993. The Civil Court has granted a declaration that Sh. Amar Nath has died civil death as his whereabouts are not known for nearly 3 decades.

2. On 25.02.2020, the following order was passed:-

“In compliance with the order dated 08.01.2020, affidavit of the Executive Engineer, Personnel Division, Ranjit Sagar Dam Project, Shahpurkandi Township on behalf of respondents No.1 to 3 filed in Court, taken on record. Copy be supplied to the counsel for the petitioners. As per para 3 of the affidavit, petitioners have submitted documents on 10.02.2020 in the office of the deponent and the complete case of the petitioners was sent to the office of the Regional Provident Fund

Commissioner, Amritsar, on 11.02.2020 for settlement of pensionary benefits. Counsel for the State informs the Court that the husband of petitioner No.1 had gone missing on 25.08.1993. Thereafter his whereabouts are not known and there has been no declaration with regard to he having been legally dead. In the absence of such declaration, the claim for appointment on compassionate ground cannot be pursued any further. Since the counsel for the petitioners is not present, hearing of the case is deferred to 22.04.2020. In the meanwhile, respondents may pursue the matter with the Regional Provident Fund Commissioner, Amritsar, for the release of pensionary benefits.”

3. With regards to the relief of the direction to the respondents to appoint petitioner no.2 on compassionate basis, it must be noted that such relief is only granted to immediately support the family who may have lost their sole bread earner in harness. After a period of nearly 3 decades, the purpose of immediate support has lost its significance.

4. In any case, late Sh. Amar Nath was a work charge employee and the policy-instructions are only related to the regular employees.

5. As regards the remaining relief qua release of benefits by the Regional Provident Fund Commissioner, the Executive Engineer has already called upon the petitioners to attend his office to complete the formalities to facilitate the release of the aforesaid amount.

6. The learned counsel representing the State of Punjab submits that the petitioner can attend the office of the Executive Engineer on 31.05.2023 at 10.00 am.

7. It is expected that the Executive Engineer will make himself available in his office in order to avoid harassment to the widow. On

completion of the said formalities, the required amount payable to the petitioners shall be released within a period of three weeks positively, failing which there shall be stay of disbursal of the salaries of all the IAS officers posted in the Department of Irrigation, Punjab.

8. With all these observations, the present writ petition is disposed of.

9. All the pending miscellaneous applications, if any, are also disposed of.

May 26, 2023
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:YES/NO
Whether reportable	:YES/NO