

2023:PHHC:114925

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

RSA-6252-2018 (O&M)
Date of decision: 01.09.2023

Jitan Kumar @ Jatinder @ Keshav @ Jeetan Kumar

..Appellant

Versus

State of Punjab and others

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Manoj Kumar Sood, Advocate for the appellant

Mr. Ajit Singh Natt, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. In this litigation, the appellant (Jitan Kumar) and respondent no.5 (Swaran Kumar) have been fighting inter se to claim pensionary benefits of late Sh.Ram Charan, who died in harness, on 09.06.2006. Sh.Swaran Kumar claims to be the adopted son of late Sh.Ram Charan whereas Sh. Jitan Kumar claims to be his natural son. Sh.Swaran Kumar also claims the pensionary benefits on the basis of a Will. Both the courts have found that Sh.Swaran Kumar failed to prove the Will and Sh.Jitan Kumar, being the natural son is entitled to receive the pensionary benefits of late Sh.Ram Charan.

2. Through this appeal, Sh.Jitan Kumar claims that he is entitled to interest on the delayed payment of pensionary benefits and a direction is required to be issued to the respondents-State to consider the appellant's claim for appointment on compassionate basis in place of late Sh.Ram Charan, who died in harness. It is evident that two different

claimants were staking claims over the retiral benefits of late Sh.Ram Charan. In these circumstances, the Government played safe and waited for the judgment of the competent court. Hence, there is no fault of the State Government in not releasing the payment of the retiral benefits.

3. As regards the claim of the appellant for compassionate appointment, it may be noticed that the appellant is nearly 45 years of age. The compassionate appointment is not an another source of recruitment. Certain posts are taken out from the purview of the competition in order to support the family members of the deceased employee, who was their sole bread earner. Such scheme is to immediately support family members of the deceased employee, in order to enable them to survive in the world. However, now nearly 17 years have elapsed.

4. In view of the aforesaid facts, no ground to interfere is made out.

5. Hence, dismissed.

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

01.09.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE