

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

CWP-27538-2022

Date of decision : 19.01.2023

Chetan Arora

...Petitioner

Vs.

Union of India and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.P.Singh, Advocate for
Mr. B.S.Bhalla, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has preferred this writ petition under Article 226 Constitution of India seeking a writ of Certiorari for quashing the communication dated 08.09.2022 (Annexure P-7) sent by respondent No.2 asking the petitioner to submit succession certificate towards his claim relating to release of service benefits of his father.

Learned counsel submits that petitioner's father, namely, Tarsem Lal was employed as General Clerk with National Horticultural Research and Development Foundation, Regional Centre, Indore (Madhya Pradesh), who died on 21.06.2022. He further submits that the petitioner's mother, namely, Arun Bala had expired on 09.11.1995 and in the service record of his father, petitioner's name was mentioned as nominee of the employee, therefore, he is entitled to receive his service benefits. Learned counsel has drawn the attention of the Court to the representation and reminders sent by petitioner requesting respondent No.2 for release of all service benefits to him, but through the impugned communication dated 08.09.2022 (Annexure P-7), the petitioner has

been asked to furnish the succession certificate as another claim by Seema has also been received by respondent No.2, who also claims herself to be widow of petitioner's father. He prays that the impugned communication be set aside and the petitioner be declared as legal heir of Tarsem Lal for the purposes of receiving the retiral benefits.

After hearing the learned counsel and considering the above background, this Court finds that the claim raised by the petitioner is founded upon disputed facts, therefore, his claim cannot be effectively adjudicated by exercising of extra ordinary writ jurisdiction under Article 226 Constitution of India.

Apart from it, petitioner's father-Tarsem Lal was employed at National Horticultural Research and Development Foundation, Regional Centre, Indore (Madhya Pradesh) with respondent No.2, therefore, for lack of territorial jurisdiction, this writ petition is not maintainable.

Dismissed.

(MANOJ BAJAJ)
JUDGE

19.01.2023
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No