

121

**2023: PHHC: 159390**  
**IN THE HIGH COURT OF PUNJAB AND HARYANA**  
**AT CHANDIGARH**

**CWP-27734-2023**

**Date of decision : 11.12.2023**

**Jagjit Singh**

**...Petitioner**

**Vs.**

**State of Punjab and others**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Pankaj Mohan Kansal, Advocate for the petitioner.

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**DEEPAK MANCHANDA, J.(Oral)**

1. This petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the office letters dated 28.08.2023 (Annexure P-3) and 27.10.2023 (Annexure P-5) and with a further prayer for directing the official respondent to make the payment of pensionary and retiral dues of deceased Inderjit Singh in equal shares to the petitioner and private respondent No.4 (mother) and the private respondent No.5 (grandmother).

2. Learned counsel for the petitioner contends that petitioner is the son and the private respondent No.4 is wife and private respondent No.5 is the mother of Sh. Inderjit Singh, who expired on 16.12.2015 while working as Supervisor of Instrument Cell under official respondents. After the death of Sh. Inderjit Singh, the petitioner and private respondent No.4 (mother) and the private respondent No.5 (grandmother) inherited the estate of deceased Inderjit Singh in equal shares and mutation of inheritance has also been sanctioned in equal shares amongst all i.e. 1/3rd share each. Since the department was not

giving the retiral benefits of the deceased Inderjit Singh in equal shares to the petitioner and private respondent No.5 (grandmother) and was giving the same only to the private respondent No.4 (mother), therefore, the respondent No.5 had filed a Civil Suit No.825 of 2016 before Civil Judge, Junior Division, Batala praying for declaration to the effect that she, respondent No.4 and the petitioner are entitled to receive the entire service benefits of deceased Inderjit Singh in equal shares i.e., gratuity, ex- gratia grant, leave encashment, general insurance scheme, provident fund, family pension and all other benefits. The petitioner and private respondent No.5 served a legal notice dated 27.07.2023 (Annexure P-2) upon the respondents for making the entire payment of pensionary benefits and retiral dues of deceased-Inderjit Singh in equal shares and to pay the arrears along with interest @ 18%.

3. I have heard learned counsel for the petitioner and have perused the material available on record.

4. A perusal of office letters dated 28.08.2023 (Annexure P-3) and 27.10.2023 (Annexure P-5), which are sought to be quashed by way of present writ petition reveals that as per the nomination filled up by deceased employee after deduction the payment of rent of ₹ 5,04,518/- of the quarter at Thermal Colony, Bathinda from the GPF gratuity of employee, the payment has already been made to Sukhwinder Kaur- respondent No. 4, who is legal heir of the deceased employee. Apart from the same 1/3rd share of leave encashment has also been paid to her and 1/3rd share of family pension is also being paid. It is also mentioned that one Civil Suit No. 825/2016, titled as “Balwinder Kaur Vs. Sukhwinder Kaur” was filed before the Civil Judge (Junior Division), Batala, which has been decided on account of jurisdiction. Further, a perusal of

Annexure P-5 reveals that respondent No. 4 has already filed a Civil Suit No. 1530 of 2023, titled as “Sukhwinder Kaur Vs. PSPCL and others” before the Civil Judge (Junior Division), Bathinda, which is fixed for hearing on 17.11.2023 (now 21.12.2023) claiming same relief as has been prayed in the present writ petition, wherein even the present petitioner-Jagjit Singh has also been impleaded as one of the parties. Once the matter is subjudiced before the Civil Court, which has been filed by the other legal heirs of the deceased employee and the petitioner is well aware about the pendency of the said civil suit, therefore, the present writ petition cannot be entertained at this stage and once the distribution of equal shares for pensionary and retiral benefits is disputed and is pending adjudication before the Civil Court by the other legal heirs, who are also claiming their rights being the equal shareholders.

5. In light of the above, this Court is not inclined to exercise the extra ordinary writ jurisdiction.
6. Accordingly, the writ petition is dismissed.

(DEEPAK MANCHANDA)  
JUDGE

11.12.2023  
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| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |