

CWP-28437-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-28437-2023

Date of Decision: 18.12.2023

Palwinder Kaur

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Kushagra Mahajan, Advocate for the petitioner

Mr. Aman Dhir, DAG, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking directions to the respondents to release her share in the family pension and other service benefits.

2. The petitioner walked down the aisle with Constable Jasbir Singh in accordance with Sikh Rites and ceremonies on 12.10.1984. No child was born from the wedlock. The petitioner started staying separate from Constable Jasbir Singh, who solemnized second marriage and a child was born from the said wedlock. Jasbir Singh died on 24.12.2014 in harness. After the demise of her husband, the petitioner preferred a plaint before the Civil Court seeking permanent injunction qua pension and other service benefits of the deceased employee. The Civil Judge, Junior Division, Amritsar vide order dated 04.07.2022 (Annexure P-1) dismissed suit of the petitioner, however, it noticed that petitioner is not the sole legal heir of the deceased employee. It was also noted in the order that there is no evidence of dissolution of

marriage. The petitioner preferred representation dated 22.05.2023 (Annexure P-2) before Commissioner of Police, Amritsar, seeking release of pension and other benefits. The representation came to be rejected vide communication dated 09.06.2023 (Annexure P-3) on the ground that her plaint has already been dismissed. The petitioner has served another notice upon the respondents claiming her in the pension and other service benefits of deceased employee.

3. Mr. Aman Dhir, DAG, Punjab, who on advance notice is present in the Court on behalf of the respondents, submits that the petitioner, at the initial stage, was claiming entire pension and service benefits which came to be rejected by the Civil Court and now she is claiming her share.

4. The Trial Court has dismissed plaint of the petitioner holding that she is not the sole legal heir of the deceased employee, however, the marriage of the petitioner with deceased employee has not been disputed.

5. In the wake of afore-stated facts, this Court deems it appropriate to direct the respondents to consider claim of the petitioner qua her share in pension and other service benefits. The needful shall be done within three months from today.

6. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

18.12.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>