

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CWP-13685-2021 (O&M)
Date of Decision: 06.02.2024

JANGIR KAUR
V/S
---PETITIONER

STATE OF PUNJAB AND OTHERS
--- RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Sandeep Bansal, Advocate
Mr. Arun Bansal, Advocate
Mr. Anubhav Bansal, Advocate
Mr.Roshan Lal, Advocate
for the petitioner.

Mr. Inderpreet Singh Kang, AAG, Punjab.

Mr.R.S.Chahal, Advocate
for respondent No.4.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking family pension and pensionary benefits of her deceased son.
2. The son of the petitioner was serving with respondent-Punjab Police as Head Constable who committed suicide on 24.05.2018. An FIR No.64 dated 24.05.2018 was registered under Section 306 IPC at Police Station City Raikot, Ludhiana. In the FIR, the family members of the petitioner were implicated. It is apt to notice that deceased employee was married person and his wife was not implicated in the FIR. The respondent-State calculated retiral benefits i.e. leave encashment, provident fund, gratuity, ex-gratia payment etc.

and released in favour of wife of the deceased who was nominee in the service record of the deceased employee.

3. The petitioner is claiming share in the family pension and retiral benefits of her deceased son on the ground that she was not named in the FIR and she was fully dependent upon her son. She falls within the definition of family members, thus, she is entitled to family pension. As per respondents, the petitioner was not staying with her deceased son. There was dispute of property and her other family members alienated the property. No share in the property was given to deceased employee and his wife. As per rule, governing the retiral benefits, if widow of an employee is available, the same cannot be released to parents.

4. From the perusal of record and statement of both sides, it is evident that disputed questions of facts are involved. This Court cannot adjudicate question whether the petitioner was dependent upon her deceased son or not?

5. Faced with this, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to avail remedies as permissible by law.

6. Disposed of with liberty aforesaid.

7. Pending miscellaneous applications, if any, also stand disposed of.

06.02.2024
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(JAGMOHAN BANSAL)
JUDGE

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