

CWP-24208-2017

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2024:PHHC:059093

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24208-2017

Date of Decision:30.04.2024

SUMNA DEVI

..... Petitioner

Versus

STATE OF PUNJAB AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : None for the petitioner.

Mr. Pawan Kumar, DAG, Punjab.

Mr. Anil Kumar Sharma, Advocate
for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

1. There was no representation on behalf of the petitioner on 01.09.2023, however, matter was adjourned with a direction to Registry to inform counsel for the petitioner. As per office report, counsel for the petitioner was duly informed still there is no representation on behalf of the petitioner.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to decide her representation dated 05.04.2017 (Annexure P-9) regarding appointment on compassionate grounds. She is further seeking direction to respondents to release GPF alongwith interest.

3. The husband of the petitioner was a regular employee of Irrigation Department, State of Punjab. He died in harness on 06.03.2014.

At the time of death, he was working with Bhakra Beas Management

Board (for short ‘BBMB’) against share quota post. Petitioner is second wife of deceased employee. There is a son from first wife of deceased employee. The first wife as well as mother of deceased employee have already passed away. Now, petitioner and son from the first marriage are legal heirs of deceased employee. The respondent has released all retiral and terminal dues of deceased employee in favour of petitioner, however, GPF which has to be released by State has not been paid.

4. Mr. Anil Kumar Sharma, Advocate submits that BBMB has no objection, if GPF is released to petitioner. They have already released all retiral/terminal dues.

5. Mr. Pawan Kumar, DAG, Punjab submits that State has withheld GPF because son of deceased employee had sent his objection.

6. From the perusal of petition, it comes out that son of deceased employee is more than 25 years old. He is not entitled to terminal dues as petitioner is legally wedded wife of deceased employee. The respondent has no right to withhold GPF for an indefinite period. The respondent-State is hereby directed to consider claim of the petitioner *qua* GPF and decide her claim within 3 months from today. The Competent Authority before adjudicating claim of petitioner may seek response from son of deceased employee.

7. Disposed of in the above terms.

(JAGMOHAN BANSAL)
JUDGE

30.04.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>