

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

RSA-3129-2016 (O&M)

Date of Decision :20.02.2024

Pt. B.D. Sharma University of
Health Sciences Rohtak and another

...Appellants

Versus

Monika

....Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ramesh Hooda, Advocate for the appellants.

Mr. Naveen Kashyap, Advocate for respondent.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present regular second appeal, challenge is to judgment and decree of the Courts below by which, the respondent-plaintiff has been granted benefit of financial assistance after the death of her brother namely, Deepak.

2. Learned counsel for the appellants has only raised one argument that respondent-plaintiff was already getting family pension after the death of her father hence, she could not have claimed any benefit after the death of her brother as she was not dependent upon her brother.

3. On being asked as to point out any perversity in the findings recorded by the Courts below, especially that only the dependent of the deceased employee can get the financial assistance, learned counsel for the appellants has not been able to show to this Court that findings recorded by the Courts below wherein, respondent-plaintiff has been held entitled for

benefit as claimed, are perverse.

4. Learned counsel for the respondent-plaintiff submits that as per the instructions governing the grant of the service benefits, family members have been made eligible for the same and there is no mention of word 'dependent' hence, even if, the respondent-plaintiff was getting family pension, keeping in view the provisions for the grant of financial assistance, respondent-plaintiff is entitled for the said benefit, which benefit has rightly been extended in favour of the respondent-plaintiff by the Courts below.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. Once, the concurrent findings have been recorded by the Courts below granting the benefit as claimed by the respondent-plaintiff, the same can only be interfered with in case the grant of the said benefit is perverse to the facts, Rules governing the said aspect or the evidence on record as well as to the settled principle of law.

7. Further, learned counsel for the appellants has not been able to point out any evidence or fact, which has wrongly been noted by the Courts below and has also not been able to substantiate that the benefit which has been granted to respondent-plaintiff with regard to the financial assistance after the death of her brother was not admissible to her. From the facts and evidence on record, it is clear that the claim of benefit as granted by the Courts below to the respondent-plaintiff is admissible to her being a family member and the argument being raised by the learned counsel for the appellant that same could have only been given to a dependent, is not borne out of the instructions according to which, financial assistance is to be given

to a eligible family member. Once, the family member has been made eligible for the grant of benefit of financial assistance and there is no use of word ‘dependent’, argument raised by the learned counsel for the appellants that respondent-plaintiff was not dependent cannot be accepted.

8. Keeping in view the facts and circumstances noticed hereinbefore, no ground for interference is made out by this Court and the present regular second appeal is accordingly dismissed as no perversity in the judgments and decrees of the Courts below has been pointed out.

9. Civil miscellaneous application pending, if any, is also disposed of.

February 20, 2024

(HARSIMRAN SINGH SETHI)

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JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No