



CWP-26377-2022

-1-

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

106

CWP-26377-2022

Date of decision: 15.05.2024

POOJA RANI

...PETITIONER

Vs.

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through the instant petition under Article 226 of the Constitution of India is seeking direction to respondents to release service benefits of her husband namely Senior Constable Sandeep Singh.

2. The petitioner is widow of Senior Constable Sandeep Singh who passed away on 05.06.2022 in harness. A male child was born from their wedlock. The petitioner is claiming that she is entitled to service benefits of her husband. The respondent, on account of submission of false documents by family members of deceased employee, did not release service benefits of deceased to the petitioner.

3. On 18.11.2022, the following order was passed:

Inter alia submits that the petitioner is young widow having a minor son aged 6 years, whose husband died in harness on 05.06.2022. Death certificate is on record as Annexure P-8. The grievance urged is that after the death of her husband, she has been conned by her in-laws and a false legal heir certificate was got



issued with the connivance of the brother-in-law (jija) of her husband, who is posted as Constable with the Punjab Police in District SBS Nagar. Reference is made to letter dated 10.09.2022 (Annexure P-9) issued by the Senior Superintendent of Police, SBS Nagar, wherein while referring to the legal heir certificate, legal heirs of the deceased husband are mentioned by misusing pre-signed blank papers.

It is submitted that Arman who is shown therein to be the son of petitioner and her late husband, is factually incorrect. The said child-Arman is in fact son of Aneesh Kumar, who is alleged to be the main conspirator behind getting the false legal heir certificate issued from the authorities by misusing pre-signed blank papers.

The son of the petitioner viz., Nivan Chaudhary son of Late Sandeep Singh, despite being the rightful legal heir has been excluded from the above referred legal heir certificate. The Aadhaar Card of Nivan Chaudhary, issued on 10.04.2018, i.e. when he was about two years old, is placed on record as Annexure P-6.

The petitioner had represented to the Senior Superintendent of Police, as well as to the Director General of Police vide representations dated 20.09.2022 and 15.10.2022, Annexures P-11 and P-12, respectively, but to no avail. The petitioner has also made a separate representation dated 16.10.2022 (Annexure P-13), for release to her the service benefits of her deceased husband and the same is pending consideration with the authorities.

It is averred that on the basis of the false legal heir certificate, retiral dues to the tune of Rs.6,16,386/- have fraudulently been got transferred in the account of Ashok Kumar (father-in-law of the petitioner), which was in fact rightfully payable to the petitioner against LIC Policy No.133830668. It is submitted that out of the said amount, not even a penny has been given to the petitioner.

Notice of motion returnable for 20.02.2023.



Ms. Ambika Bedi, AAG, Punjab, accepts notice on behalf of the respondents and waives service. She seeks and is granted time to file written statement.

The respondents are directed to not to release any further benefits on the basis of the legal heir certificate dated 07.09.2022, referred to in letter dated 10.09.2022 (Annexure P-9).”

4. Mr. Aman Dhir, DAG, Punjab submits that initially jurisdictional Deputy Commissioner issued letter dated 07.09.2022 wherein petitioner was disclosed as wife of deceased employee and Arman was shown his son. On being pointed out, the Deputy Commissioner has corrected the mistake and issued fresh certificate dated 11.11.2022 wherein petitioner is shown as wife of deceased employee and Nivan Chaudhary is shown as their son. On instructions, he further submits that pensionary benefits of deceased employee, in due course, would be released to the petitioner and her son.

7. In the wake of statement of learned State Counsel, the present petition stands disposed of with a direction to respondents to release service benefits of petitioner’s husband within 3 months from today.

15.05.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No