

CM-2127-C-2018,
CM No. 4295-C of 2021 in/and
RSA No. 868 of 2018 (O&M)

2024:PHHC:059201

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(228) CM-2127-C-2018,
CM No. 4295-C of 2021 in/and
RSA No. 868 of 2018 (O&M)
Date of Decision : 30.04.2024

Suraj Mal (deceased) through his Lrs. and others
...Appellants

Versus

Haryana Roadways, Rohtak and others
...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. M.S. Rana, Advocate for the appellants.
Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

CM-2127-C-2018

Present application has been filed for impleading legal representatives of Appellant No. A, namely, Chand Kaur, who unfortunately died on 17.03.2016.

Notice of the application to learned counsel for the respondents.

Mr. Harish Rathee, learned Sr. Deputy Advocate General, Haryana, accepts notice on behalf of the respondents. He raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, present application is allowed. Legal heirs of Appellant No. A, namely, Chand Kaur, the details of whom are given in para 3 of the application, are allowed to be impleaded in the present appeal and the amended memo of parties attached with the present application is taken on record.

CM stands allowed.

CM No. 4295-C of 2021

Present application has been filed for impleading legal representatives of Appellant No. A(i), namely, Shri Krishan, who unfortunately died on 01.05.2021.

Notice of the application to learned counsel for the respondents.

Mr. Harish Rathee, learned Sr. Deputy Advocate General, Haryana, accepts notice on behalf of the respondents. He raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, present application is allowed. Legal heirs of Appellant No. A(i), namely, Shri Krishan, the details of whom are given in para 3 of the application, are allowed to be impleaded in the present appeal and the amended memo of parties attached with the present application is taken on record.

CM stands allowed.

RSA-868-2018

1. Learned counsel for the appellants submits that though legal representatives of the appellants have not been able to prove their entitlement for the pensionary benefits but once, it has already been proved that the appellant-Suraj Mal (since deceased) had already retired from service, which means that he was the employee of the respondents till his retirement, it was the duty of respondents to disclose as to why the pensionary benefits of late Suraj Mal have not been released.

2. Learned counsel for the appellants further submits that even if the appellants have not been able to prove their entitlement, appropriate relief should have been to direct the respondents to pass appropriate order on the claim of the appellant-Suraj Mal (since deceased), as to why his pensionary benefits have not been released after he retired from service hence, the judgments and decrees of the courts below be modified to the extent that liberty be given to legal heirs of the appellants to move a representation to the authorities concerned for claiming pensionary benefits and the respondents be directed to decide the said representation in a time bound manner.

2. Learned counsel for the respondents submits that in case, any claim is raised by the legal heirs of the appellant, Suraj Mal, the same will be decided in accordance with law within a period of eight weeks of the receipt of any such claim and in case, it is found feasible to release the pensionary benefits, the same will be released to the legal heirs of

**CM-2127-C-2018,
CM No. 4295-C of 2021 in/and
RSA No. 868 of 2018 (O&M)**

2024:PHHC:059201

4

appellant-Suraj Mal, otherwise due reasons will be mentioned in the speaking order so pass for not releasing the pensionary benefits of the appellant-Suraj Mal.

3. The present regular second appeal is disposed of with direction to the respondent that in case, the legal heirs of the appellant-Suraj Mal file any representation claiming the pensionary benefits, the same be decided within a period of eight weeks of the receipt of any such representation and in case, it is found feasible to release the pensionary benefits, the same be released to the legal heirs of appellant-Suraj Mal along with arrears, otherwise due reasons be mentioned for the information and necessary action of the legal heirs of the appellant-Suraj Mal.

April 30th, 2024
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No