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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 8794/2011

BASANT SINGH (NOW DECEASED)
THR.HIS LEGAL HEIRS/LRS
BALWINDER KAUR & ORS .....Petitioners

Through: Mr. Uddhav Pratap, Mr. Y.R. Sharma and Mr. Ujjwal Goel, Advocates.

versus

THE FOOD CORPORATION OF INDIA & ORS.....Respondents

Through: Mr. K.S. Negi and Mr. Nikhil Rajput, Advocates.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

O R D E R

% 12.09.2024

1. This writ petition was preferred by late Sh. Basant Singh seeking quashing of order dated 13.09.2010 passed by Disciplinary Authority imposing the penalty of compulsory retirement from service as well as the order of the Appellate Authority dated 15.03.2011 and of the Reviewing Authority dated 28.11.2011.

2. During the pendency of this writ petition, Petitioner expired and on 02.05.2024, learned counsel appearing on behalf of the legal heirs of late Sh. Basant Singh stated that the legal heirs were giving up the challenge to the disciplinary proceedings and the penalty order and were willing to accept the terminal benefits arising out of the penalty of compulsory retirement. On this statement, Court directed the Respondents to decide the representation dated 28.05.2023 pertaining to terminal benefits, after giving an opportunity of hearing to the legal heirs of late Sh. Basant Singh.

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3. Mr. K.S. Negi, learned counsel appearing on behalf of all the Respondents, on instructions, states that: (a) Gratuity in the sum of Rs.2,11,708/- was due and payable to the Petitioner, before revision. However, out of the said amount, an amount of Rs.89,000/- has been deducted on account of the penalty imposed on the Petitioner pursuant to a vigilance case, which was never challenged in his lifetime and the balance amount of Rs.1,22,708/- stands paid and only the differential amount, after revision, remains to be paid; (b) for claiming CPF, the legal heirs have to furnish a Succession Certificate, as intimated to them vide letter dated 17.05.2024, which has not been furnished; (c) dues towards Leave Encashment and Suspension Allowance have been paid; (d) pension has to be released by RPFC, Noida and intimation to this effect has been sent to the said Authority by FCI on 07.08.2024; and (e) arrears towards wage revisions are pending and shall be released within two months from today.

4. Learned counsel for the Petitioner submits that the legal heirs are not aware that an amount of Rs.89,000/- is recoverable from late Sh. Basant Singh. Receipt of dues towards Leave Encashment and Suspension Allowance is acknowledged and it is submitted that the Succession Certificate will be furnished to the Competent Authority of the Respondents within four weeks from today.

5. Having heard learned counsels for the parties, this petition is disposed of with the following directions:

(a) Legal heirs of late Sh. Basant Singh shall furnish the Succession Certificate to the Respondents within a period of four weeks from today and on receipt of the same, CPF as due, shall be released;

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(b) RPFC, Noida is directed to ensure that the process of payment of pension is initiated as expeditiously as possible and FCI is directed to communicate a copy of this order to the concerned officer in the said authority and also follow-up the matter; and

(c) outstanding arrears towards wage revisions and differential amount payable on account of revision/amendment in the quantum of Gratuity shall be paid within two months from today.

6. Needless to state that the terminal benefits as noted above, will be released to the legal heirs of late Sh. Basant Singh as per their entitlement in law.

JYOTI SINGH, J

SEPTEMBER 12, 2024
B.S. Rohella/shivam

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