



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

292

CWP-12665-2024 (O&M)
Date of decision: 06.02.2025

Harpal Kaur

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Mehak Bedi, Advocate for the petitioner

Mr. Amarpreet Singh Bains, AAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petition is for quashing the letter dated 19.12.2023, whereby the claim has been rejected and for directing the respondents to consider the case of the petitioner, in light of the nomination made by her daughter Lay Constable Kamaljit Kaur in the CPF Form as also in the light of amendment in Rule 6.17(3) of the Punjab Civil Service Rules, Volume-II and thereby release the remaining service/financial benefits including family pension as also offer appointment to Gurmeet Kaur, the sister of the deceased.

2. The case set up in the present petition is that a suit was filed by one Amar Singh, claiming to be the husband of deceased daughter of the petitioner, however, it was resisted by her by filing written statement, Annexure P-4, specifically stating therein that a false claim had been coined and thereby denying the marriage with the plaintiff or she being his legally wedded wife. The said suit has been dismissed for non-prosecution vide order dated 18.05.2022, Annexure P-

6. Reliance is placed on the judgment passed by this Court in **State of Punjab vs.**

Kharak Singh Kang, 1998 (1) SCT 556, wherein the rule, excluding the parents from definition of family, was held ultra vires, in wake of which, the petitioner is entitled to all benefits as prayed for.

3. The aforesaid facts having been brought out, during the course of hearing, learned State counsel, on instructions, states that the respondents would not be averse to having a relook at the matter and decided afresh, taking note of the afore-referred judgment and submissions, within a period of 4 months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner.

4. The aforesaid satisfies the learned counsel for the petitioner.

5. The matter stands disposed of accordingly and if the petitioner is found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to her interest, the same may be passed after granting opportunity of hearing to her and shall contain reasons, whereupon she shall be free to seek legal redress thereupon.

(AMAN CHAUDHARY)
JUDGE

06.02.2025
M.Kamra

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