

CWP-25457-2014

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**123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-25457-2014
Date of Decision : 06.05.2026

RENU MALHOTRA

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Promila Nain, Sr. Advocate assisted by
Mr. Mohinder S.Nain, Advocate,
Mr. Pranab Bansal, Advocate,
Ms. Saloni, Advocate,
for the petitioner.

Mr. Bhupender Singh, Addl.AG, Haryana.

Mr. Anand Kumar Bishnoi, Advocate
for respondent no.4.

Mr. Saurabh Arora, Advocate and
Mr. Varinder Kumar, Advocate,
for respondent no.5.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, cast under Article 226 of the Constitution of India, the petitioner seeks quashing of the orders/directions dated 05.12.2012 (Annexure P-14) and 21.07.2014 (Annexure P-16), passed by respondents no.2 and 3 respectively, whereby the entire gratuity amount on account of demise of one Lalit Kumar Khanna, brother of the petitioner, has been ordered to be released in favour of respondent no.5 (wife).

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2. Learned counsel for the petitioner submits that through respondent no.5 is the wife of the deceased, however, due to the strained matrimonial relationship between them, for the last seven years (from the date of death Lalit Kumar Khanna), she was residing separately. Therefore, the deceased Lalit Kumar Khanna, had executed a will in favour of the petitioner and her other siblings.

3. She fairly, concedes that the gratuity amount has already been released in favour of respondent no.5, and, now the dispute regarding the aforesaid will, is *sub judice* before the High Court of Judicature at Allahabad.

4. She, further, submits that it is the bounden duty of the authority concerned, that in the event of any dispute regarding to the entitlement of a person to receive the gratuity amount, they ought to have, at least, waited for the outcome of the dispute between the parties, pending before the High Court of Judicature at Allahabad.

5. On the other hand, learned counsel for respondent no.5, submits that the will of the deceased, has never been adjudicated by the Court concerned, and matter is still pending.

6. He further submits that the provident fund amounting to Rs.22 lakhs (approximately), has been deposited by the authority concerned with the High Court of Judicature at Allahabad, and 25% of the said amount has already been released in favour of respondent no.5, against a valid security.



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7. He also submits that the gratuity amount which respondent no.5, has received, is always subject to the outcome of the dispute pending before aforesaid High Court.

8. Finally, he submits that the dispute is *inter se* the private respondents, therefore, the writ is not maintainable.

9. This Court has considered the rival submissions, as made learned counsel for the parties concerned.

10. In the instant case, the relief which has been sought by the petitioner, cannot be granted, as the gratuity amount has already been released, and the veracity of the will is already under challenge before the High Court of Judicature at Allahabad. Therefore, finding no merit in the instant petition, same is hereby, **dismissed**.

11. It goes without saying that, whatever, amount respondent no.5 has received, either under the head of gratuity or provident fund, would always be subject to the outcome of decision pending before the High Court of Judicature at Allahabad.

12. All pending application(s), if any, also stand **disposed** of accordingly.

May 06, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No