

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 11819 of 2020 (O&M)

Date of Decision: 21.12.2020

Balbir Kaur

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Sarju Puri, Advocate
for the petitioner(s).
Ms. Ambika Bedi, Assistant Advocate
General, Punjab for respondents No.1 and 2.

Mr. Nakul Sharma, Advocate
for respondent No.3.

Mr. Vijay Kumar, Advocate
for respondents No.6 and 7.

Anil Kshetarpal, J.

On 17.12.2020, the following order was passed:

“Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner lost her son on 26.11.2016, who, at the time of his death was working as Rural Medical Officer with the State of Punjab.

The widow and children of the deceased shifted to Canada. They have already submitted an affidavit giving 'No Objection' to the authorities to release of pensionary benefits exclusively to the petitioner who is the deceased's mother.

This writ petition has been filed for issuance of a writ in the nature of mandamus to direct the official respondents to release pensionary and other admissible benefits to the petitioner exclusively. On 07.12.2020, the following order was passed:-

“Mr. Vijay Kumar, Advocate has put in appearance on behalf of respondent no.6 and 7 and states that the said respondents do not have any objection if the pensionary benefits in respect of the petitioner's deceased son, who died in harness, are released to her exclusively. He submits that respondent no. 6 and 7 have already shifted to Canada and the petitioner can be granted the entire service benefits.

List on 17.12.2020 for arguments.

No further request for an adjournment shall be entertained, keeping in view the fact that the petitioner is praying for release of pensionary and other service benefits in respect of her son, who died in harness on 28.10.2016.”

A short reply has been filed by respondent no.3 in which it has been stated that since the widow did not contact the answering respondent along with necessary papers, therefore, the department did not release the amount. It has been submitted that the widow of the deceased is required to

sign the necessary papers only then the pensionary and other pending benefits can be released.

As noticed above, the petitioner's son died on 26.11.2016. This court is sad to observe that the officials have lost all the compassion.

Keeping in view the aforesaid facts, the Director, Rural Development and Panchayat, Punjab and Deputy Chief Executive Officer, Zila Parishad, SBS Nagar, are directed to remain present on the next date of hearing through video conferencing.

List in urgent on 21.12.2020.

To be taken up at Sr. No.101”.

In deference to the order dated 17.12.2020, Mr Manpreet Singh, IAS, Director, Rural Development and Panchayat, Punjab has attended the hearing through video conference.

Ms. Ambika Bedi, Assistant Advocate General, Punjab has pointed out that approximately a sum of ₹ 3,08,000/- has been released to the petitioner towards arrears of medical reimbursement, salary, leave encashment and ex-gratia.

Mr. Nakul Sharma, Advocate, counsel appearing for respondent No.3 has informed the Court that the process for releasing the payment on account of Contributory Provident Fund and Family Pension has been initiated and the same shall be completed with the release of the amount within one month from today.

Mr. Sarju Puri, Advocate, learned counsel appearing for the

petitioner has pointed out that the amount of gratuity with regard to the petitioner's son has also not been released.

Ms. Ambika Bedi, Assistant Advocate General, Punjab has assured the Court that the whatever amount is legally due to the petitioner, the same shall be released within the aforesaid period of one month.

After having noted the respective stand of the parties, this Court is compelled to make certain observations. It is unfortunate that the dependents/heirs of an Ex-employee, who died in harness, are being made to run from pillar to post. It is, thus, apparent that the State of Punjab has to put its house in order lest the Court compelled to take a serious view of the matter. It is hoped that this order would serve as a wake up call for the officers.

With these observations, the writ petition is disposed of.

The petitioner shall be at liberty to move an application for revival of the writ petition, if she feels still aggrieved with respect to subject matter of the writ petition.

The miscellaneous application(s) pending, if any, shall also stand disposed of.

(Anil Kshetarpal)
Judge

December 21, 2020

"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No