

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1050 of 1995  
with  
CIVIL APPLICATIONS NOS. 4940 & 4942 OF 1999

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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PUSHPABEN ALIAS GITABEN JEYANTILAL CHAVDA

Versus

ADDITIONAL DIGL

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Appearance:

MR NR TANDEL for Petitioners No. 1-1/3  
MR MUKESH R SHAH for Respondents No. 1,2,3  
MR BS PATEL for Respondents No. 4-5  
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CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 29/11/2001

ORAL JUDGEMENT

This petition has been filed by the widow of late  
Shri Jayantilal Chavda, a constable working under the  
Central Reserve Police Force at Gandhinagar. Late Shri

Chavda expired when he was in service. As benefits payable to the family members of late Shri Chavda had not been paid, the petitioner has filed this petition praying for the pecuniary benefits.

2. Upon perusal of the papers and after hearing the learned advocates, it is found that respondent No. 4, mother of late Shri Jayantilal Chavda, and the petitioner had raised certain disputes with regard to payment of the amount and due to the said dispute, the concerned persons, including the petitioner, did not sign the relevant papers and, therefore, the amount payable on death of late Shri Chavda could not be paid to the petitioner and/or other legal heirs of late Shri Chavda.

3. As the matter has been settled during the course of the hearing and its pendency, I need not go into further details. Suffice it to state that in pursuance of an order passed by this court, a sum of Rs. 3,07,985/- has been deposited by respondents Nos. 1, 2 and 3. The said amount should be paid to the petitioner and other legal heirs of deceased Shri Chavda. Details or break-up of the said amount has been given in the additional affidavit filed by the DIGP of C.R.P.F., Gandhinagar. Upon perusal of the details, it is clear that out of the said amount of Rs. 3,07,985/-, Rs. 1,64,458/- is towards Family Pension payable to the petitioner. It is not in dispute that the family pension is to be paid to the widow and, therefore, only the petitioner is entitled to the said amount.

4. So far as the remaining amount, namely, Rs. 1,43,527/- is concerned, it shall have to be given to the legal heirs of late Shri Jayantilal Chavda. The said heirs are as under :

1. Petitioner, widow of late Shri Jayantilal Chavda
2. Bai Jadiben, mother of deceased Shri Chavda
3. Nikunjbhai, minor son of Shri Chavda
4. Mayurbhai, minor son of Shri Chavda
5. Mirajkumar, minor son of Shri Chavda

As per the settlement arrived among the heirs, the amount of Rs. 1,43,527/- is to be shared equally among the

heirs and, therefore, the Office is directed to pay the said amount to the above-named five persons in equal proportion. So far as the petitioner and Bai Jadiben are concerned, they are major and therefore they shall be paid the amount payable to them by account payee cheques. So far as the amount payable to minor children is concerned, the amount payable to them shall be deposited in a nationalised bank in their names in such a way that the amount invested fetches interest every year and the amount of interest shall be permitted to be withdrawn by the person in whose custody the child is. It may be noted here that minor Nikunjbhai is residing with his grandmother, namely, Bai Jadiben and, therefore, the amount of interest which might accrue on the amount deposited in favour of Nikunjbhai shall be paid to Bai Jadiben whereas interest which might accrue on the amount deposited in favour of other minors shall be paid to the petitioner.

5. Learned Advocate Shri Tandel has fairly submitted, in pursuance of instructions received by him, that so far as the amount of Rs. 1,64,458/- is concerned, one-fourth of the said amount be deposited in the name of minor Nikunjbhai and the said amount should also be deposited in a nationalised bank in such a way that every year the amount of interest is paid to Bai Jadiben on the amount so invested. So far as remaining three-fourth amount of Rs. 1,64,458/- is concerned, the said amount shall be paid to the petitioner by an account payee cheque. One-fourth of Rs. 1,64,458/- is given to the said minor child by way of grace shown by the petitioner.

6. It has been submitted by Shri M.R. Shah, learned Addl. Central Government Standing Counsel appearing for respondents Nos. 1 to 3, that till today relevant pension papers have not been signed by the petitioner or respondent No. 4 - Bai Jadiben, mother of late Shri Chavda. It has been submitted by learned advocate Shri Tandel appearing for the petitioner and learned advocate Shri B.S. Patel appearing for respondent No. 4, i.e., Bai Jadiben, that their respective clients shall extend full co-operation to the respondent Government authorities so that relevant pension papers can be prepared as soon as possible. Upon the pension papers being prepared, the amount of family pension shall be paid to the petitioner.

7. It has been submitted by learned advocate Shri Tandel appearing for the petitioner that late Shri Jayantilal Chavda had died while performing his duties

against terrorists and, therefore, some special amount should be paid to the petitioner as the widow of Shri Chavda. He has not placed on record any material to show that late Shri Chavda had expired while taking action against terrorists or that the petitioner is entitled to some special amount. It would be open to the petitioner to submit an application for additional compensation if she is entitled to. If such an application is received by the concerned respondent authorities, I am sure that the concerned respondent authority shall look into it and do the needful for payment of the amount if the petitioner is entitled to.

8. The amount shall be invested in a nationalized bank and in a branch which might be suggested by the learned advocates appearing for the respective parties.

9. The amount shall be paid by the Registry to the concerned persons as directed hereinabove within a period of three weeks from today.

10. In view of the above order, the petition is allowed to the above extent. Rule is made absolute with no order as to costs.

The civil applications stand disposed of in view of disposal of the petition.

(A.R. Dave, J.)

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