

HIGH COURT OF AZAD JAMMU & KASHMIR BULLETIN
FEBRUARY 2021

Case No.1 of February 2021

Writ Petition No. 1088-L/2020

Date of Institution: 04-09-2020

Title: Abdul Khaliq Qureshi and another
Versus

Azad Jammu and Kashmir Board of Trustees (non-Gazetted) and others

Date of Decision: 10-02-2021

Before: **JUSTICE AZHAR SALEEM BABAR, ACJ.**

Facts:

The petitioner filed writ petition to claim that amount of Benevolent Fund and Group insurance is a right of all the legal heirs as per their shares ascertained through Succession Certificate.

Issues:

Whether Benevolent Fund and Group Insurance fall within the legacy of deceased employee?

Analysis:

Following analytical observations were instigated:

(a) S. 4 of AJK Employees Benevolent Fund and Group Insurance Act, 1971

Family means : -

- (a) In the case of male employee, the wife or wives, and in the case of female employee, the husband of employee: and
- (b) The legitimate children, parents, minor, brothers, un-married, divorced or widow sisters of the employee residing with and wholly dependent upon him. (Page 03)

(b) S. 2(5) of the Benevolent Fund and Group Insurance Act, 1969 is not violative of Quran and Sunnah. (Page 04)

(c) Entitlement of Grant of Benevolent Fund

Government employee may get benevolent fund in case of his disability and such grant is acceptable to a person nominated by an employee after his death. It is also clear that if the deceased employee has not nominated any person then his family members wholly dependent upon him are entitled to such grant. (Page 05)

(d) Non divisibility of Benevolent Fund and Group Insurance

Grant under benevolent fund and group insurance is not divisible among all the legal heirs. PLD 1991 SC 731 (Page 05)

Final Crux

The Hon'ble Single Bench of this Court held as under:

The learned District Judge do not affect the right of minor daughter in view of fact that benevolent fund and group insurance do not fall within the definition of legacy - ترکہ .

Conclusion:

Constitutional Petition was dismissed by the Single Bench in limine.