

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2245 of 2016

- Chandrika Vaishnav W/o Late Shri Arvind Saryam, Aged About 52 Years R/o Shivam Vihar Colony, In Front Rama Green City, Khamtarai, Bilaspur, Civil, & Revenue District Bilaspur (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Animal Husbandry, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur (Chhattisgarh).
2. The Director, Directorate Of Veterinary Services Indrawati Bhawan, Block III, Ground Floor, Naya Raipur, Tahsil & District Raipur (Chhattisgarh).
3. The Collector, Bilaspur, District Bilaspur (Chhattisgarh).
4. Additional Collector, Bilaspur (Chhattisgarh).
5. Joint Director, Veterinary Services, Bilaspur, District Bilaspur (Chhattisgarh).
6. Smt. Shakuntala Saryam, W/o Girwar Singh Saryam, Aged About 65 Years R/o Pathak Bagicha, Jabdapara, Sarkanda, Bilaspur, Civil, Tehsil & Revenue District Bilaspur (Chhattisgarh).

---- Respondents

For petitioner : Mr. Anand Shukla, Advocate

For Respondents/State : Mr. D.R. Minj, Dy. Govt. Advocate

(Hon'ble Shri Manindra Mohan Shrivastava, J)

Order on Board

21-06-2016

1. The petitioner has challenged the correctness and validity of the order dated 28-03-2016 passed by Additional Collector, Bilaspur, respondent No.4 by which the petitioner's application for release of the retiral dues of deceased employee Arvind Saryam has been rejected and the petitioner has been asked to submit succession certificate.
2. Learned counsel appearing for the petitioner submits that the petitioner was legally wedded wife and now widow of one Arvind Saryam who died

on 05-09-2015 in service while working as a Joint Director, Veterinary Services, Bilaspur. When the departmental authority did not release the retiral dues of the petitioner, a representation was made to the Collector and Collector directed that enquiry be made by the Revenue Officer. Enquiry of the Revenue Officer is in favour of the petitioner, therefore, in these circumstances, Collector ought to have issued an order in favour of the petitioner.

3. Application of the petitioner has been rejected on the ground that there exists a dispute and the petitioner not being a nominee cannot be given the retiral dues of the deceased employee unless there is succession certificate. The Collector has also taken a note of the fact that the objector in the proceeding has already filed an application for grant of succession certificate in the civil Court.
4. In the opinion of this Court, the order passed by the Additional Collector, does not suffer from any illegality. The petitioner is not a nominee in the service record. The nominee has not accepted the relationship of the petitioner with the deceased employee nor has submitted any application for amount to be paid in favour of the petitioner. A dispute has been raised by the objector in the matter with regard to entitlement. Therefore, in these circumstances, the only course of action left for the departmental authority is to await appropriate declaration or submission or issuance of succession certificate under the law. This precisely has been done by the Collector, therefore, the petition is dismissed. However, the petitioner

is at liberty to take recourse of such remedy as may be available in civil proceeding/succession proceeding.

Sd/-

(Manindra Mohan Shrivastava)

Judge

Raju