

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4071 of 2016

Tekmanrai S/o Sugiv Prasad Rai Aged About 65 Years R/o
Kumhari Villege, Tehsil Marvahi, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Secretary, Panchayat Department.
2. Chief Executive Officer, Janpad Panchayat, Marvahi, District Bilaspur, Chhattisgarh.
3. Block Education Officer, Tehsil Marvahi, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Smt. Anju Ahuja, Advocate.
For State	:	Shri R.K. Gupta, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

26/08/2016

Heard on admission.

1. This petition has been filed by the petitioner, father of the deceased employee, for a direction for payment of gratuity of the deceased employee on the basis of a will deed dated 09.03.2016. Prayer has also been made to restrain the respondent-authority from disbursing gratuity amount and granting compassionate appointment to Harilal, son-in-law of the petitioner.

2. The relief sought by the petitioner, in so far as gratuity is concerned, is based on a will. The relief cannot be granted to the petitioner by a writ Court and the remedy of the petitioner lies in seeking appropriate declaration on the strength of the will and also injunction against disbursement of the amount of gratuity before the Civil Court.

3. As far as compassionate appointment is concerned, the

petitioner has not applied for compassionate appointment nor has sought direction for herself. If the petitioner claims to be entitled for compassionate appointment on the basis of dependency on the deceased employee, it will be open for the petitioner to apply.

4. With the said liberty, the petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Rekha