

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 985 OF 2017

Smt. Pushpa Singh, W/o Late Ashok Kumar Singh, aged about 61 years, R/o MIG-1/161, M.P. Nagar, Archana Kunj, Niharika, P.S. Rampur, Korba, District Korba (C.G.)

... Petitioner

Versus

1. Chhattisgarh State Power Transmission Comp. Maryadit, through Managing Director, Danganiya, Raipur, District Raipur (C.G.)
2. Chief Engineer, T & C, Chhattisgarh State Power Transmission Comp. Ltd., Danganiya, Raipur, District Raipur (C.G.)
3. Manager (Pension), Chhattisgarh State Power Transmission Compt. Ltd., Danganiya, Raipur, District Raipur (C.G.)

... Respondents

For Petitioner : Mr. K.P.S. Gandhi, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/02/2017

1. The present writ petition has been filed by the Petitioner seeking for a direction to the Respondents for release of pension, gratuity and other retiral dues payable to her late husband who had taken voluntary retirement from the service of the respondent establishment from the post of Executive Engineer.
2. According to the Counsel for the Petitioner, the Respondents vide Annexure P-1 have asked the Petitioner to produce the judgment and decree of divorce which her husband late Ashok Kumar Singh had taken from his first wife Smt Prabha Singh, which is not proper, legal and justified. According to him, the documents available with the respondent establishment, the service record, shows that late Ashok Kumar Singh himself had made necessary changes while he was in service so far as nominating the present Petitioner as his wife, both in the pension paper as well as in the other service record maintained by the respondent establishment and therefore the requirement of the original judgment and decree of divorce is not proper.

3. At this juncture, without going into the merits of the case, if we peruse the record produced along with the petition, it reflects that late Ashok Kumar Singh had initially filed a nomination paper on 7.10.1980 wherein the name of Smt. Prabha Singh was added as his nominee. Subsequently, there was a change made in the nomination on 24.5.2011 and the name of the present Petitioner has been replaced as the nominee of late Ashok Kumar Singh. However, from the correction that was sought to be made it reflects that it was made on the basis of an affidavit filed by late Ashok Kumar Singh while he was in service. The said affidavit clearly spells out that the change in the nomination was being made on account of the judgment and decree of divorce which late Ashok Kumar Singh had obtained from his first wife i.e., Smt. Prabha Singh. However, copy of the judgment and decree of divorce was not enclosed along with the said affidavit.

4. This perhaps has created a doubt in the mind of the employer, whether a valid divorce had taken place between late Ashok Kumar Singh and his first wife Smt. Prabha Singh, which would entitle the present Petitioner to get the retiral dues and other benefits. If the employer has directed the Petitioner to produce the said judgment and decree of divorce, this Court does not find any illegality or infirmity on the part of the Respondents, as they only want to ensure that the subsequent change made in the nomination was made after following of the due process of law.

5. Another reason being that, without a valid divorce from Smt. Prabha Singh, late Ashok Kumar Singh under no circumstances could have married the present Petitioner Smt. Pushpa Singh. To avoid such situation, the Respondents have directed the Petitioner to furnish the copy of the judgment and decree of divorce.

6. Let the Petitioner therefore furnish the copy of the judgment and decree of divorce obtained by late Ashok Kumar Singh from his first wife Smt. Prabha Singh, so as to enable the Petitioner to receive pension and all the other dues lying in the name of late Ashok Kumar Singh.

7. With the aforesaid observation, the present writ petition stands finally disposed of.

Sd/-
(P. Sam Koshy)
Judge

/sharad/