

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 6842 of 2010**

- Smt. Punai Bai W/o Shri Budh Ram Chouhan, Occupation-House Wife, R/o Sitamani In Front Of Shani Mandir Korba, District Korba (C.G.) Presently R/o Village- Bhupdeopur, Tahsil Kharsia, Distt. Raigarh (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department of Power Energy D.K.S. Bhawan Mantralaya Raipur (C.G.)
2. The Chief Executive Engineer Chhattisgarh State Power Holding Company Limited, Power General Company Limited Korba, Distt. Korba (C.G.)
3. Budh Ram Chouhan Shri Sakha Ram Chouhan, Occupation-Service, Posted At Assistant Grade-II, State Power Holding Company Limited, Power General Company Limited Korba, Distt. Korba (C.G.)

---- Respondents

For Petitioner:	Mr. Manoj Jaiswal, Advocate
For State:	Mr. Adhiraj Surana, Dy. Government Advocate
For Respondent No.2	Mr. B.S. Rajpur, Advocate
For Respondent No. 3	Mr. Anumesh Shrivastava, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12.04.2017**

1. The grievance of the Petitioner through the present Writ Petition is claiming of share in the retiral dues payable to Respondent No.3 on the ground that the Petitioner is the legally wedded wife of the Respondent No.3.
2. It appears that the grievance of the Petitioner is on account of the alleged second marriage which has been admitted by Respondent No.3 to one Smt. Shyam Bai. The Writ Court in exercising extra discretionary jurisdiction would not enter into the

realm of deciding as to who would be the person who would be given retiral dues or not? It is purely a prerogative of the employer to decide properly in accordance with Rules.

3. Another aspect which cannot be brushed aside is the fact that it is not the case of the Petitioner that the husband of the Petitioner has expired. Therefore, when the employee himself is alive, the relief sought by the Petitioner in the present Writ Petition cannot be decided or adjudicated upon by the Writ Court. The Petitioner would have to move to before the appropriate forum under appropriate provisions of law claiming for relief by first establishing her status of a legally wedded wife of the Respondent No.3.
4. In view of the aforesaid observations, the Writ Petition stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE