

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.6329 of 2011**

Smt. Laxmi Bai Dewangan W/o Late Krishna Kumar Dewangan, aged about 51 years, resident of village Sanod, Post Palari, Block Development Gurur, Distt. Durg (CG).

---- **Petitioner**

Versus

1. State of Chhattisgarh Through the Secretary, Department of School Education, DKS Bhawan, Mantralaya, Raipur (CG).
2. Director, Public Education Directorate, Raipur, Distt. Raipur (CG).
3. District Education Officer, Distt. Durg (CG).
4. Block Development Education Officer, Gurur, Distt. Durg (CG).
5. Principal, Govt. Hr. Sec. School, Purur, Distt. Durg (CG).
6. Joint Director, Fund, Accounts and Treasure, Pensionbada, Raipur(CG).

---- **Respondents**

For Petitioner	:	Shri Ashok Patil, Advocate.
For respondents/State	:	Shri Avinash Singh, Panel Lawyer.
For respondent No.5	:	Shri Akhilesh Mishra, Advocate.

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

12/04/2017

1. The present petition has been filed seeking for a direction to the respondents for grant of pensionary benefits and all other dues which were payable to the petitioner on account of death of her Husband.
2. The Husband of the petitioner was working as Peon at Pre-Primary School under Block Education Purur, District Durg (CG). He was appointed on 30.09.1972 and died in a road accident on 17.10.1980, that means, the Husband of the petitioner had worked with the respondents only for about 8 years.
3. The present petition has been filed after 31 years from the date of death

of the employee. No explanation has been given for the delay caused. The qualifying service required for grant of pensionary benefit for the work charged employee is 10 years of service. The respondents perhaps have taken a decision that the petitioner would not be entitled for pension for want of qualifying service of the deceased employee. So far as other dues are concerned, the petitioner has not been substantially able to show as to what are the other dues payable to the petitioner on the death of her Husband. The respondents, on the contrary, in the reply has come up with a stand that since the petitioner did not have qualifying service, he would not be entitled for any relief. However, from the record it appears that on the death of the deceased employee, the ex-gratia, in addition payment under the Family Welfare Fund were immediately released to the petitioner.

4. In view of the same, this court is of the opinion that the petitioner as such is not entitled for any relief whatsoever and accordingly the petition is dismissed.
5. Needless to mention that dismissal of this petition should not come in the way of the respondents in releasing the provident fund amount, if any, credited in the name of Husband of the petitioner and the same shall be released to the petitioner forthwith.

Sd/-
(P. Sam Koshy)
Judge