

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 1445 of 2017**

Savan Bai W/o Late Shri Anand Ram Yadav, aged about 61 years, R/o Village/ Tahsil Kartala, Via Bhaisma, District Korba (Chhattisgarh)

---- Petitioner**Versus**

1. Executive Engineer, Public Works Department, Korba, District Korba (Chhattisgarh)
2. Sub Divisional Officer, Public Works Department, Bhaisma, District Korba (Chhattisgarh)
3. State of Chhattisgarh, through the Secretary, Department of Public Works, Mahanadi Bhawan, New Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Ritesh Verma, Advocate
For Respondent/State	:	Shri Adhiraj Surana, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****24/03/2017**

The present writ petition has been filed seeking for a direction to the respondents for releasing all the retiral dues i.e. gratuity, pension, PF, etc with 12% interest to the wife of the deceased employee i.e. the petitioner.

2. Contention of the counsel for the petitioner is that the husband of the petitioner was a permanent employee of the respondents and his services were regularized in the year 1997. The employee died on 20.07.2001. Though the employee died in the year 2001, till date his terminal benefits has not been released to the petitioner.

3. On perusal of the records would show that there is no document whatsoever enclosed with the writ petition to establish the fact that husband of the petitioner was a regular employ. The only basis on which the writ petition has been filed is Annexure P-1 which is a response given by the respondents against

the legal notice sent by a lawyer. The said reply reflects that the services of the petitioner which had got discontinued on health ground, subsequently on an application being made to the Authorities, he was granted reappointment on 19.03.1997 and he resumed his duties as labour w.e.f. 01.04.1997. But there is nowhere any mention that the deceased employee was a regular employee. In the absence of any evidence to show that the husband of the petitioner was a regular Govt. servant enabling him the benefit of Gratuity, Pension, PF etc. this Court is not inclined to entertain the writ petition only on the basis of the correspondence made by the Department in response to a legal notice.

4. Thus, the present writ petition being devoid of merit, deserves to be and is accordingly dismissed.

**Sd/-
(P. Sam Koshy)
JUDGE**