

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 2416 of 2009**

Sukhiyarin Bai Wd/o Rajendra Singh Rajpoot, aged about 48 years, R/o village Bilai Tangar, Tahsil Pathalgaon, District Jashpur Nagar (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary General Administration Department, D.K.S. Bhawan, Raipur (CG)
2. The Sub Divisional Officer, Dharamjaigarh, District Raigarh (CG)

---- Respondents

For Petitioner	:	Shri M. K. Jaiswal, Advocate
For Respondent/State	:	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****13/03/2018**

Present writ petition has been filed assailing the order dated 07.01.009 Annexure P-1 whereby the High Power Committee constituted by the State Government in respect of the retiral dues of its employee has rejected the claim of the petitioner for grant of family pension.

2. The present is a second round of litigation. The first round of litigation was Writ Petition No. 3427 of 2003 decided on 23.07.2008 whereby the claim of the petitioner was referred to the Committee to decide the same in accordance with the rules and guidelines framed by the State Government. The Committee having scrutinized the claim of the petitioner vide impugned order dated 07.01.09 has rejected the claim application.

3. Perusal of the order passed by the Committee reflects that the deceased employee Rajendra Singh was working as a Kanoongo under the respondents. He had retired on superannuation in 1981 and died in the year

1985. Thereafter, the present petitioner filed the first writ petition in 2003 claiming for family pension which was referred to the High Power Committee. The High Power Committee, on scrutiny of the service record of the deceased employee found that the name of the petitioner was not substituted as a nominee or the wife of the employee during his life time. At the same time, it is also reflected that even after superannuation while filling in the pension papers, the employee had shown the family members consisting of only three married daughters namely Usha Singh aged 32 years, Kiran Singh aged 29 years and Kasturi Singh aged 26 years.

4. Thus, the Committee could not find any strong material available on record to show that the petitioner was in fact the duly married second wife of the deceased employee neither was there any specific succession certificate issued for grant of family pension to the petitioner by a competent Court of law. Under the circumstances, it cannot be said that the finding of the Committee to be either erroneous or bad in law or contrary to evidence.

5. However, right of the petitioner shall be open for obtaining a specific succession certificate from the competent Court of law specifically for grant of family pension where she should establish that she is the duly wedded wife of the deceased employee and entitled for family pension.

6. With the aforesaid liberty, the present writ petition stands dismissed.

Sd/-
(P. Sam Koshy)
JUDGE