

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.4551 of 2008**

Radha Bai Widow of Late Rajkumar Dhritlahre, aged about 45 years, Resident of Village Kodwa, Police Station Palari, District Raipur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, School Education Department, D.K.S.Bhawan, Raipur (CG)
2. The Accountant General, Chhattisgarh, Raipur (CG)
3. The District Education Officer, Raipur (CG)
4. The Block Education Officer, Palari, District Raipur (CG)
5. Resham Bai widow of late Rajkumar Dhritlahre, aged about 40 years, Resident of Village Sontara, Tehsil Kharora, District Raipur (CG)
6. District Treasury Officer, Treasury, Accountant and Pension, Raipur (CG)
7. Joint Director, Treasury, Accountants and Pension, Raipur (CG)

---- Respondents

For Petitioner	:	Mr.P.P.Sahu, Advocate
For Res.No.1, 3 and 4 :		Mr.Ashish Surana, P.L.
For Respondent No.2 :		Ms Purnima Singh, Advocate
For Respondent No.5 :		Mr.Rakesh Thakur, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

9/1/2018

1. Shri Rajkumar Dhritlahre died in harness while serving to the government. Admittedly, the petitioner is second wife of deceased Rajkumar Dhritlahre who has filed this writ petition claiming family pension who is being disbursed by respondent No.5.
2. Learned counsel for the petitioner would submit that the petitioner is entitled for family pension, it ought to have been given to her, but it has been given to respondent No.5.

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Therefore, disbursement of family pension by respondent No.5 is unsustainable and bad in law.

3. On the other hand, learned State Counsel appearing for respondents No.1, 3 and 4 would submit that family pension has been disbursed to respondent No.5 and even the petitioner has given her consent letter on 14.3.2007.
4. I have heard learned counsel for the parties and perused the documents annexed with the writ petition.
5. Admittedly, the petitioner is second wife of deceased Rajkumar Dhritlahre, whereas respondent No.5 is first wife. The petitioner has consented for grant of family pension to respondent No.5. If the petitioner is aggrieved that she is entitled for family pension, she is at liberty to move Civil Court or Succession Court for necessary order or decree in accordance with law.
6. With the aforesaid observation, the writ petition finally stands disposed off. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-