

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 4 of 2018**

Rajo Bai W/o Late Shri Patru Ram, Aged About 33 Years Resident Of Bhattipara,
Baikunthpur, District Korea, Chhattisgarh., Chhattisgarh

---- Appellant**Versus**

1. The State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mantralaya, D. K. S. Bhawan, Raipur, Chhattisgarh.
2. Collector, District Korea, Chhattisgarh.
3. Tahsildar, Baikunthpur, Tehsil Office Baikunthpur, District Korea, Chhattisgarh.
4. Pension Redressal Committee, Government Of Chhattisgarh, Through Secretary, General Administration Department, Government Of Chhattisgarh, Mantralaya, D.K.S. Bhawan, Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Appellant	: Shri Rajnish Singh Baghel, Advocate.
For Respondent/State	: Shri UNS Deo, Government Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**28/08/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard Counsel for the parties.
2. Writ application of the Appellant was partly allowed vide order dated 24.08.2017 in the sense that entitlement of the Appellant for grant of family pension and other post retiral dues was held to be in her favour. However, the learned Single Judge refused to pass any order with regard to the family pension or certain post retiral dues which were settled with the mother of the deceased employee, who further is said to have also died.

3. Argument on behalf of the Appellant against that part of the order of the learned Single Judge is that it is the wife and wife alone who is entitled to family pension and all post retiral dues. The relevant provision is Rule 47 of the Pension Rules, 1976 and therefore, there should be a direction upon the Respondent-State authorities to pay even that portion of the money to the Appellant, which was paid to the mother.

4. The circumstances under which the mother was also allowed the benefit has been taken note of by the learned Single Judge. It seems that the deceased employee had submitted certain nomination in favour of his mother and based on that nomination, the Respondent authorities had allowed her the benefit in terms of the nomination while the dispute with regard to the right of the wife was still a matter of adjudication.

5. However, keeping in mind the provisions in relation to the pension definition as well as Rule 46 and 47 of the Pension Rules, 1976, the learned Single Judge ultimately had given a direction in favour of the Appellant, but refused and rightly so to pass an order with regard to the recovery to be made from the mother-in-law of the Appellant for the payments received by her, since she is dead or from State as State cannot be made to pay the dues of the erstwhile employee twice over.

6. The appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE