

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 2851 OF 2018**

1. Smt. Usha Bai Widow of Ishwar Singh Aged About 60 Years
2. Rajesh Singh S/o Late Shri Ishwar Singh Aged About 40 Years
3. Mahendra Singh S/o Late Shri Ishwar Singh Aged About 38 Years
4. Jitendra Singh S/o Late Shri Ishwar Singh Aged About 35 Years
5. Madhu Singh W/o Durga Singh Aged About 45 Years (D/o Late Shri Ishwar Singh)

All are Caste Kshetriya, R/o Village Geedha, Tehsil And District Mungeli, Chhattisgarh.

...Petitioner(s)

Versus

1. The State of Chhattisgarh Through The Secretary, Education Department, Mahanadi Bhawan Naya Raipur, District Raipur, Chhattisgarh.
 2. District Education Officer, Mungeli District Mungeli, Chhattisgarh.
 3. Principal Government Higher Secondary School, Dharampura, District Mungeli, Chhattisgarh.
 4. Joint Director Treasury And Accounts Pension Branch, Bilaspur, District Bilaspur, Chhattisgarh
 5. State Of Bank Of India, Through Branch Manager State Bank Of India, Mungeli Branch, Mungeli, District Mungeli, Chhattisgarh.
 6. Smt. Milaukin Bai Widow of Late Ishwar Singh R/o Village Rohra, Tehsil And District Mungeli, Chhattisgarh.
 7. Rajkumar S/o S/o Late Shri Ishwar Singh Aged About 22 Years
 8. Koshaliya Bai D/o D/o Late Ishwar Singh Aged About 26 Years
 9. Sangeeta Bai D/o D/o Ishwar Singh Aged About 24 Years
- Respondents No. 7 to 9 are R/o Village Rohra, Tehsil And District Mungeli, Chhattisgarh.

... Respondent(s)

For Petitioners	:	Shri Vivek Ranjan Tiwari, Advocate.
For State	:	Shri SP Kale, Dy. Advocate General.
For Respondent No.5	:	Shri Sudhir Agrawal and Shri P. Dutta, Advocates.
For Respondents 6 to 9.	:	Shri B.D. Guru, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06.09.2018

1. The issue involved in this petition seems to be a dispute between two wives of the deceased employee late Ishwar Singh.

2. The petitioner No.1 claims herself to be the first wife of the deceased. The petitioner Nos.2 to 5 are the children born to the petitioner No.1 from the marriage with the deceased employee. Likewise, the respondent No.6 also claims to be the wife of the deceased employee and the respondents No.7 to 9 are the children born to the respondent No.6 from the relationship that the deceased employee had with the respondent No.6.
3. The employee Ishwar Singh died in harness on 20.09.2016. As per the service records, the names of respondent No.6 and 7 to 9 were found as wife and children of the deceased employee in the nomination form. So far as petitioners are concerned, their names do not reflect in the service records.
4. The counsel for the petitioner submits that the petitioners had meanwhile filed a succession case before the competent court of law and the court has allowed the succession certificate in favour of the petitioners and which has been duly submitted before the District Education Officer for processing the claim of the petitioners for releasing death cum retiral dues payable to the family members of the deceased employee.
5. The counsel for the private respondents however submits that the order passed in Succession case is already under challenge in Misc. Civil Appeal No.05/2018 which is pending consideration and therefore till the date so far as succession certificate is not finally decided, the petitioners can not get any advantage from the succession certificate issued in their favour, moreover it is their name which is reflected in the nomination form.

6. Given the aforesaid facts and circumstances of the case, the petition stands disposed of with a direction that the District Education Officer after outcome of the appeal in the succession case preferred by the private respondents challenging the succession certificate issued in favour of the petitioners, shall take an appropriate decision and pass a suitable order in accordance with rules and guidelines governing the field. Till then, let status quo as it exists today be maintained so far as any dues which are payable to the legal representatives of the deceased employee is concerned.
7. Accordingly, the writ petition stands disposed of.

Sd/-
(P.Sam Koshy)
Judge