

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1849 of 2013**

1. Smt. Champa Bai Upadhyaya, aged about 52 years, W/o. Keshav Upadhyaya, R/o. Village Mopka, Near S.B.I., Seepat Road, P.S. Sarkanda, Bilaspur, District Bilaspur (C.G.)

2. Keshav Upadhyaya, aged about 53 years, S/o Laxman Prasad Upadhyay, R/o. Village Mopka, Near S.B.I., Seepat Road, P.S. Sarkanda, Bilaspur, District Bilaspur (C.G.)

----Petitioner**Versus**

1. State of Chhattisgarh, through : The Secretary, Home Department, Mahanadi Bhawan, Mantralaya, New Raipur, Distt. Raipur (C.G.)

2. The Secretary, General Administrative Department, Mahanadi Bhawan, Mantralaya, New Raipur, Distt. Raipur (C.G.)

3. Director General of Police, Police Head Quarter, Raipur, District Raipur (C.G.)

4. Superintendent of Police, Bastar, District Bastar, Jagdalpur (C.G.)

5. Superintendent of Police, Bilaspur, District Bilaspur (C.G.)

6. Collector, Bilaspur, Distt. Bilaspur (C.G.)

7. Kshipra Upadhyaya, aged about 22 years, Wd/o. Late Deepar Kumar Upadhyaya, Presently R/o. Mandagani Bhawan, Rajeev Vihar, Raj Kishore Nagar, P.S. Sarkanda, Bilaspur, District Bilaspur (C.G.)

---- Respondents.

For Petitioners

: Shri Shrawan Agrawal, Advocate.

For State

: Shri Anand Dadariya, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****12/07/2018**

(1) The petitioners' son died in the naxalite attack on 25.05.2013 at Jheeram Ghati, Darbha. Pursuant to the affidavit given by the petitioners, all the dues were paid to wife of

petitioners' son namely Smt. Chhipra Upadhyaya, respondent No. 7 herein and the compassionate appointment has also been granted to her. Now, the petitioners are stating that they are also entitled for compensation from the State Government as their son has died in the naxalite attack and respondent No. 7 be directed to maintain them.

(2) I have heard learned counsel appearing for the parties and perused the material available on record with utmost circumspection.

(3) Entire amount of GIS, leave encashment, gratuity and pension have already been paid to the petitioners' daughter in law and compassionate appointment has already been granted to her. The petitioners have also sworn an affidavit in her favour. If the respondent No. 7 is not maintaining the petitioners, the petitioner may proceed in accordance with law before the appropriate forum, but no relief can be granted in this petition.

(4) Accordingly, the writ petition is closed. However, the petitioners are at liberty to proceed in accordance with law.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

