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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5489 of 2018**

Soniya Bai Gautam W/o Late Shri Khooblal Gautam, Aged About 70 Years, R/o Village Khandwa (Uperwara), Police Station Rakhi, Tahsil Abhanpur, District Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Home, State Garage, Secretariat, Mahandi Bhawan, Police Station And Post Rakhi, Naya Raipur, Chhattisgarh
2. The Superintendent, State Garage, Chhattisgarh, Raipur, Chhattisgarh
3. The Treasurer Officer, District Treasury, Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Priya Mishra, Advocate
For State	:	Ms. Sunita Jain, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****24.08.2018**

The grievance of the petitioner is that the petitioner being the second wife of the deceased employee namely Khooblal Goutam has not been given the pension and pensionary benefits after his death on 09.03.2016.

2. Perusal of record and from the pleadings of the petitioner herself it reflects that in the service records, the name of the wife of the deceased employee was reflected as Shyama Bai Goutam. According to the

petitioner, the said Shyama Bai had expired around 35 years ago. Though this is the pleading of the petitioner but there is no material available with the petitioner to show that the deceased employee at any point of time while in service had made any request for change of name of his wife from the service record and for entering the name of the petitioner as the subsequent wife. Moreover, the petitioner also has not been able to produce any material to prove the marriage of the petitioner with Khooblal, the deceased employee. The only document which the petitioner intends to rely in this writ petition is the Aadhar Card as well as joint photograph of the deceased employee with the present petitioner.

3. Given the said facts and circumstances of the case, this Court in exercise of its writ jurisdiction under Article 226 of the Constitution of India would find it difficult to give a direction to the respondents to release pensionary benefits to the petitioner. Reserving the right of the petitioner to avail other remedies avail to her under the civil law like seeking succession certificate or by proving the marriage between the petitioner and the deceased employee and thereafter to move an appropriate application for redressal of her grievance, the present writ petition in its present form stands disposed of.

Sd/-
P. Sam Koshy
Judge