

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 628 of 2018**

Smt. Sonabai Dhritlahre Wd/o Late Hemuram Dhritlahre Aged About 40 Years R/o Village Devnagar, Police Station Tahsil And District Surajpur Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh (Directorate Veterinary Services Chhattisgarh) Naya Raipur District Raipur Chhattisgarh.
2. Deputy Director, Veterinary Services Bijapur, District Bijapur Chhattisgarh.
3. Smt. Sumitra Dhritlahre, Wd/o Late Hemuram Dhritlahre (So Called, - Aged About 50 Years, R/o Chhatouna, Police Station Mandir Hasoud, District Raipur Chhattisgarh.

---- Respondents

For Appellant : Shri Ashok Kumar Shukla, Advocate.

For Respondent/State : Shri Yashwant Singh Thakur, Additional Advocate General.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Judgment on Board****23/08/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the parties.
2. The submission of the counsel for the Appellant is that since she was not heard by the writ Court, therefore, serious prejudice has been caused to her by giving a direction upon the employer to release the post retiral dues in favour of the private Respondent, to which the Appellant is entitled to. In fact, she had adequate materials to establish that she has a case in her favour because at one point of time, her name was there in the service record as a nominee, which subsequently came to be changed under unknown circumstances.

3. No doubt, the Appellant was not noticed or heard, but to examine the merit of the stand of the Appellant, we have gone through the writ Court's record and have also gone through the order passed by the Court below in the Succession Case, which has gone against the present Appellant. It is the stand of the counsel that her appeal is pending before the District Judge and if the order of the learned Single Judge is allowed to stand, this is going to create prejudice against her.
4. It goes without saying that the direction issued by the learned Single Judge for release of the post retiral dues in favour of the private Respondent will be without prejudice to the right of the present Appellant. The employer is directed to take an undertaking or a bond that in case, any order by the judicial forum or Court in favour of the present Appellant is passed, then the settlement which has been made or would be made will be guided or decided by the said decision.
5. The order of the learned Single Judge dated 22.06.2018 will not be treated as final decision with regard to the status of the private Respondents.
6. The appeal stands disposed off with the observations as above.

Sd/-
(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-
(Parth Prateem Sahu)
JUDGE