

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 8031 of 2018

1. Meera Tigga W/o Late Ibrahim Tigga, Aged About 45 Years.
2. Madhurika Rani Tigga D/o Late Ibrahim Tigga, Aged About 24 Years.
3. Divya Rani Tigga D/o Late Ibrahim Tigga, Aged About 18 Years.
4. Aakash Tigga S/o Late Ibrahim Tigga, Aged About 16 Years.
5. Niharika Rani Tigga D/o Late Ibrahim Tigga, Aged About 13 Years.

Petitioners No. 4 & 5 through the legal guardian Petitioner No.1.

All are R/o Chhera Ghoghara, vill. And P.O. Chhera Ghoghara, Tah. And P.S. Kansabel, District Jashpur Chhattisgarh.

---Petitioners

Versus

1. State Of Chhattisgarh, Through Secretary Of Home, Police, Secretariate, Mahanadi Bhavan, P.S. And Post Rakhi, Atal Nagar, District Raipur, Chhattisgarh.
2. Director General Of Police (Dgp), Police Headquarter, Near Mahanadi Bhavan, Mantralay, P.S. And Post Rakhi, Atal Nagar, District Raipur, Chhattisgarh.
3. Commandent, First Batalian, Chhattisgarh Armed Force, Bhilai Chhattisgarh.

---Respondents

WPS No. 8034 of 2018

1. Meera Tigga W/o Late Ibrahim Tigga, Aged About 45 Years.
2. Madhurika Rani Tigga D/o Late Ibrahim Tigga, Aged About 24 Years.
3. Divya Rani Tigga D/o Late Ibrahim Tigga, Aged About 18 Years.
4. Aakash Tigga S/o Late Ibrahim Tigga, Aged About 16 Years.
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Versus

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3. Commandent, First Batalian, Chhattisgarh Armed Force, Bhilai Chhattisgarh.

---Respondents

For petitioners	:	Ms. I.Lakra, Advocate.
For State	:	Shri Dheeraj Wankhede, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/12/2018

1. The second petition i.e. WPS No. 8034/2018 has been filed by the petitioners claiming for the relief of retiral dues and other dues which were payable on the death of the death employee.
2. Since, both these Writ Petitions are by the same set of petitioners and the substantial relief sought for also being interconnected in the two Writ Petitions, this Court proceeds to decide both these Writ Petitions by a common order.
3. The challenge in the Writ Petition WPS No. 8031/2018 is to the order Annexure-P/1 dated 27/08/1999.
4. The prayer made by the petitioners is also for releasing all the admissible dues which the legal heirs of the deceased employee would be entitled for.
5. Though, the order was passed on 27/08/1999, the present Writ Petitions have been filed after more than 19 years.

6. Perusal of record would show that, the present Writ Petitions have been filed by the widow and the childrens of the deceased employee.

7. Further, it also reflect that, the deceased employee had died on 11/01/2016. For about 17 long years, the deceased employee was alive even after the order of termination was passed. During these 17 years, the deceased employee did not file any Writ Petition challenging the order of termination.

8. In view of the same, the widow and the childrens at this juncture after more than 19 years could not be permitted to challenge the order of termination.

9. The Writ Petition therefore suffers from delay and latches and is accordingly dismissed on this ground.

10. At this juncture, the counsel for the petitioner submits that, after the termination order was passed against the deceased employee, the department has not released the dues that the deceased employee was entitled for like GPF amount, Insurance, Gratuity, Leave Encashment if any, etc.

11. The deceased employee stood terminated on 27/08/1999. Under the rules, he may not entitled for the claims which the petitioners have raised.

12. However, there are certain dues that are payable to the deceased employee even after his termination i.e. GPF amount, etc.

13. Accepting the version of the petitioners as it is, subject to verification by the respondents from the record, the present Writ Petitions to that extent

stands disposed off with a direction to the respondent No.3 to verify the record and find out whether the admissible dues which were payable to the deceased employee have been released or not. If not, then an appropriate step should be taken for the release of the same at the earliest without any further delay preferably within a period of 4 months from the date of receipt of certified copy of this order.

14. Both the Writ Petitions accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit