

HIGH COURT OF CHHATTISGARH AT BILASPUR

Review Petition No. 14 of 2019

Municipal Corporation, Raipur, through Commissioner, Nagar Nigam,
Raipur, District Raipur, Chhattisgarh.

---- Petitioner

Versus

1. Smt. Rajeshwari Yadav W/o Late Gijuram Yadav, Aged About 49 Years
R/o Indira Colony, Kasdole, Tahsil And Police Station Kasdole, District
Baloda Bazar Bhatapara, Chhattisgarh.
2. State Of Chhattisgarh, Through The Secretary, Urban Administration And
Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar
Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Petitioner : Mr. H.B. Agrawal, Senior Advocate, along with
Mr. G.P. Mathur, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30/01/2019

1. The present review petition has been filed seeking review of WPS 6769 of
2018. The review has been sought against the order dated 22/10/2018
whereby this Court, while disposing off the writ petition, had directed the
present petitioner i.e. Municipal Corporation, Raipur in the original writ
petition, to consider the release of the death-cum-retiral dues to respondent
no. 1 whose husband had died in harness way back in July, 2016. While
disposing off the writ petition, this Court had also held that the respondent
no. 1 would also be entitled for interest on the said amount @ 10% per
annum.
2. The only contention which the Municipal Corporation has raised seeking
review is that they had already processed the case of the respondent no. 1

and sought for certain information from the earlier place of posting of the deceased employee i.e. Nagar Panchayat, Kasdol. According to the Corporation, since they had promptly taken steps and sent the necessary records and LPC etc. to Nagar Panchayat, Kasdol but the officers of Nagar Panchayat, Kasdole have not further processed and sent the documents back to the present petitioner, the dues could not be released.

3. In the opinion of this Court, the said ground raised may not be a strong ground for entertaining the review petition. This Court had only directed to ensure that the dues payable to the respondent no. 1 be released at the earliest preferably within a period of 60 days. This Court had also ordered for payment of interest on the delayed payment. It is necessary, at this juncture to emphasize that the Municipal Corporation, Raipur is the authority undisputedly, who has to release the payment. The Municipal Corporation, Raipur should have taken necessary steps to ensure that the papers pertaining to the deceased employee and respondent no. 1 are processed at the earliest. Therefore, the order dated 22/10/2018 does not require any further reconsideration. If at all if the Municipal Corporation, Raipur is of the view that the delay was on account of the fault of the officers of the Nagar Panchayat, Kasdol, let the authorities in the State Government be suitably intimated, who in turn may take necessary steps on the administrative side, but that can't be a ground for not releasing the dues payable to respondent no. 1.
4. With the aforesaid observations, this review petition stands dismissed.

Sd/-
(P. Sam Koshy)
Judge