

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No. 38 of 2019**

Suraj Singh Thakur S/o Late Yugal Kishore Singh, Aged About 28 Years, R/o Village Baanbarad, Near Chaturbhuj Temple Nandani, Tahsil Ahiwara, District Durg, Chhattisgarh

---- Petitioner**Versus**

1. Smt. Manju Thakur W/o Late Shri Jugal Kishor Singh, Aged About 48 Years, R/o Near Ram Darbar Gate, Thakurpara, Kota, Post University, District Raipur, Chhattisgarh
2. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhawan, P. O. Mantralaya, Police Station Rakhi, Atal Nagar, District Raipur, Chhattisgarh
3. The Director, Public Instruction Department, Indrawati Bhawan, Mantralaya, Atal Nagar Raipur, District Raipur, Chhattisgarh
4. The District Education Officer, Near Multipurpose School Durg, District Durg, Chhattisgarh
5. The Block Education Officer, Dhamdha, District Durg, Chhattisgarh
6. The Senior Treasury Officer Durg, District Durg, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Navin Shukla, Advocate
For Respondent no.1	:	Mr. Vipin Tiwari, Advocate
For State	:	Mr. Ayaz Naved, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08.08.2019**

1. The present review petition has been filed seeking review of the order

dated 16.01.2019, passed by this Court in WPS No. 266/2019.

2. The review petition has been preferred by the present petitioner who is in fact the son of respondent no.1 i.e. the petitioner in WPS No. 266/19.
3. The ground raised by the petitioner seeking review of the order dated 16.01.2019 is that respondent no.1 i.e. the wife of the deceased employee late Jugal Kishor Singh was not living with the deceased employee at the time of his death and she was living separately, therefore she could not have been granted the death-cum-retiral dues payable to the legal heirs of the deceased employee. The contention of the petitioner is that this aspect had been suppressed by respondent no.1 while getting the writ petition disposed of.
4. On a query being put to the counsel for the petitioner he specifically admits that there was no official divorce taken place between respondent no.1 i.e. the petitioner in writ petition and the deceased employee. In the absence of a legal divorce irrespective of whether husband and wife were living together or staying separately, their status remains that of husband and wife. Therefore, on the death of the husband, the wife becomes the legal heir and in the capacity of the widow of the deceased employee, she has every right to claim the dues payable on the death of the said employee.
5. In the instant case also the Department at the first instance had released pension to respondent no.1 for a couple of months before it was held back. The respondent no.1 came to this Court for an appropriate direction in this regard and this Court only disposed of

the writ petition directing the authority concerned to ensure that if respondent no.1 is legally wedded wife of the deceased employee, she is paid all the dues on the death of her husband. The petitioner also does not dispute the fact that respondent no.1 is his mother.

6. Hence, the dispute seems to be between son and mother which cannot be settled before the writ court. More particularly the said dispute cannot be a ground for reviewing the order dated 16.01.2019 which has been passed in the light of the aforegiven factual background. There is no error apparent on the face of the record, which has been shown by the petitioner which could enable this Court to review the order dated 16.01.2019.
7. Accordingly, the review petition being devoid of merits deserves to be and is accordingly dismissed.

**Sd/-
P. Sam Koshy
Judge**