

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3545 of 2019

Anuradha Raikwar (Baruwa) D/o Shri Vijay Kumar Raikwar, Aged About 33 Years, R/o Manorama Colony, Near Tulsi Hotel, Sagar Madhya Pradesh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Home Mantralaya, Mahanadi Bhavan, Naya Raipur, Chhattisgarh
2. The Director General Of Police, Police Headquarter, Indrawati Bhavan, Atal Nagar, Raipur, Chhattisgarh
3. The Superintendent Of Police (Telecom) Bhilai Zone, District Durg Chhattisgarh
4. Joint Director, Treasury, Account And Pension, Durg, Chhattisgarh

Respondents

For Petitioner	:	Ms. Aparajita Gaikwad, Advocate.
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/05/2019

1. The relief which the petitioner has sought in the present writ petition is for an appropriate direction to the respondents for releasing the family pension which the petitioner is entitled for.
2. The facts of the case are that the petitioner's father namely Vijay Kumar Raikwar was working as a Constable (M/T) with the respondents who retired from service w.e.f. 25.01.2003 and since then the father of the petitioner is said to have gone missing.

Subsequently, the retiral dues which were payable to the petitioner were not released and therefore, when the petitioner appeared before the authorities, she was told that she should obtain succession certificate. The petitioner subsequently obtained a succession certificate in her favour on 19.01.2016 from the Court of 5th Civil Judge, Class I, Sagar, Madhya Pradesh. Subsequently, an amounting of Rs. 1,27,616/- has been released to the petitioner.

3. Now, the dispute of the petitioner is that though she has obtained a succession certificate from the competent Court of law, the respondent authorities are not initiating steps for releasing the family pension receivable by the petitioner.
4. According to the petitioner, she is an unmarried daughter and her mother has already married someone else and is residing separately. According to the petitioner, she was solely dependent upon her father Vijay Kumar Raikwar and therefore she is entitled for receiving family pension. Counsel for the petitioner submits that there is a correspondence made in this regard by the Divisional Joint Director, Treasury, Account & Pension, Durg dated 13.02.2018 addressed to the Director recommending that the petitioner is entitled for the same. However, no further development has been taken place in this regard.
5. Given the aforesaid facts and circumstances of the case, particularly taking note of the fact that the Department has paid an amount of Rs. 1,27,616/- to the petitioner and the fact that she has got a succession certificate in her favour, the Department may consider

the claim of the petitioner so far as grant of family pension is concerned in accordance with the provisions of the Pension Rule subject to verification of the entitlement part.

6. Let respondents 2 & 3 take an appropriate decision in the case of the petitioner so far as grant of family pension is concerned at the earliest preferably within a period of 4 months from the date of receipt of copy of this order.
7. The writ petition accordingly stands disposed of.

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

Khatai