

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 5053 of 2019**

Ku. Chanda D/o Late Shri Jawahirlal, Aged About 30 Years, R/o Village Basti, Poste Baikunthpur, District Koriya, Chhattisgarh

**---- Petitioner****Versus**

1. South Eastern Coal Fields Limited (S.E.C.L.) Through Its Chairman Cum Managing Director (C.M.D.) Seepat Road, Bilaspur Chhattisgarh
2. Chief General Manager, South Eastern Coal Fields Limited (S.E.C.L.) Chirmiri Area, District Koriya, Chhattisgarh
3. Sub Area Manager, South Eastern Coal Fields Limited, (S.E.C. L) Underground Mines, Koriya Colliery, North Chirmiri, Tahsil Baikunthpur, District Koriya Chhattisgarh
4. Regional Commissioner, Provident Fund Office, Gupteshwar, Jabalpur, M.P

**---- Respondents**


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| For Petitioner | : | Smt. Meena Shastri, Advocate. |
| For SECL       | : | Shri Vaibhav Shukla, Advocate |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****10.07.2019**

1. The grievance of the petitioner in the present writ petition is for issuance of a proper direction to the respondents to ensure that the death-cum-retiral dues payable to the petitioner on the death of her father who died in harness working under the respondents on 17.08.2005 be released at the earliest.
2. Facts of the case are that the father of the petitioner was working under

the respondents as a Pump Operator. He died in harness on 17.08.2005. The petitioner seems to be the child born from the alleged second wife of the deceased employee. The petitioner had approached the authorities for releasing the dues payable to them but the same was refused on the ground of the petitioner not being the legal heir of the deceased employee. Subsequently, the petitioner is said to have approached the Court of Civil Judge Class-I, Baikunthpur seeking succession certificate under Section 372 of the Indian Succession Act, 1925. The Civil Judge, Class-I vide its order dated 31.03.2018 declared the petitioner to be the legal heir of the deceased employee namely late Jawahirlal. It is said that even after the petitioner getting succession certificate, the Department till date has not released the dues that are payable to the petitioner.

3. Given the aforesaid facts and circumstances of the case, particularly taking note of the fact that the petitioner has obtained a succession certificate in her favour and also the fact that in the succession case initiated by the petitioner, the respondents were also a party, this Court is of the opinion that ends of justice would meet if the writ petition itself is disposed of directing respondents 2 & 3 to immediately process the claim of the petitioner and subject to verification of the claim, the dues payable on the death of the deceased employee Jawahar be released to the petitioner at the earliest preferably within a period of 90 days from the date of receipt of copy of this order unless there is any objection from any other party.
4. The writ petition accordingly stands disposed of.

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