

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5094 of 2019**

1. Smt. Tijiya Bai Gond W/o Late Bisahu Singh Maravi Aged About 45 Years
R/o Gram Khamariha, Tahsil- Takhatpur, District- Bilaspur, Chhattisgarh.,
District : Bilaspur, Chhattisgarh
2. Minor Shatrughan Gond S/o Late Bisahu Singh Maravi Aged About 6 Years
R/o Gram Khamariha, Tahsil- Takhatpur, District- Bilaspur, Chhattisgarh.,
District : Bilaspur, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Health And
Family Welfare, Mahanadi Bhawan, Naya Raipur, Atal Nagar, District-
Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. The Chief Medical And Health Officer District- Janjgir-Champa,
Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
3. Joint Director Treasury, Accounts And Pension, Bilaspur Division, District-
Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Satish Gupta, Advocate
For State	:	Ms. Sunita Jain, GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15/07/2019**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 02.05.2019 whereby the respondent No. 2 has expressed his inability of release of family pension to the petitioner.
2. According to the petitioner the deceased employee in the instant case, namely, Shri Bisahu Singh Maravi was working as a "Peon" under respondent No. 2. The said Bisahu Singh Maravi retired from service on 29.02.2008. Thereafter, the pension and other retiral dues

have been released to the said employee. According to the petitioner at the time of his retirement in the service records the petitioner was said to have married to Bisahin Bai who died later on 25.01.2010. According to the petitioner subsequently the employee married the petitioner No. 1 and from the said marriage the Bisahu Singh Maravi had a son born i. e. respondent No. 2 on 03.11.2013. It is said that the employee Bisahu Singh Maravi later on died on 16.12.2014. Thereafter, the petitioner had approached the authorities for release of family pension which vide the impugned order has been refused. Though, along with the writ petition the petitioner has produced the death certificate of the first wife on 25.01.2010. However, from the records there does not appear to be any document by which the marriage of Bisahu Singh Maravi with the petitioner No. 1 could be established or stood proved. Moreover, in the service record or at least till the deceased employee died on 16.12.2014, it was the name of first wife, namely, Bisahin Bai which was reflected as the wife of the deceased employee.

3. Given the aforesaid facts and circumstances of the case, the order passed by the respondent No. 2 cannot be said to be bad in law or in any manner contrary to the rules. In case, if the petitioners are legal heirs of the deceased employee, namely, Bisahu Singh Maravi, it would be appropriate that the petitioners obtain a succession certificate in their favour from the competent Court of law declaring them to be the wife and son of the deceased Bisahu Singh Maravi. On the petitioners obtaining such a certificate and the same being produced before the department the respondent No. 2 shall

reconsider the claim of the petitioner for the release of family pension in accordance with the rules and regulations.

4. With the aforesaid observation, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Rohit