

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 55 of 2019**

Dewashish Bhattacharya S/o Birendra Kumar Bhattacharya Aged About 60 Years Caste - Bangali, R/o New Mines Nehru Colony, Sonawani (Chirmiri), Police Station Chirmiri, District Koriya Chhattisgarh.

---- Petitioner**Versus**

1. South Eastern Coalfields Ltd. Through The Chairman Cum Managing Director, South Eastern Coalfields Limited, Seepat Road, Civil And Revenue District Bilaspur Chhattisgarh.
2. Director (Personnel) South Eastern Coalfields Limited, Seepat Road, Civil And Revenue District Bilaspur Chhattisgarh.
3. The Assistant Labour Commissioner Bilaspur Chhattisgarh.
4. Area Commissioner Coal Mines, Future, Fund Office, Bilaspur Chhattisgarh.
5. Chief Manager SECL, Chirmiri Area, District Koriya Chhattisgarh.
6. Amar Bhattacharya S/o Birendra Kumar Bhattacharya Aged About 70 Years
7. Smt. Tapsi Bhattacharya W/o Birendra Kumar Bhattacharya Aged About 60 Years
8. Arijit Bhattacharya S/o Birendra Kumar Bhattacharya Aged About 30 Years

Respondents No. 6 to 8 are R/o House No. 104, Shailendra Apartment, Jarhabhatha Mandir Chowk, Bilaspur Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Punit Ruparel, Advocate
For Respondents/SECL	:	Mr. K.K. Shrivastava, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/01/2019**

1. The whole dispute in the present writ petition is the non-releasing of the dues that are payable to the legal heirs of the deceased employee namely Jaydev Bhattacharya, who died in harness on 24.12.2010.

2. The contention of the petitioner is that he is the real brother of the deceased employee, whereas there are certain other persons also, who have distantly related to the deceased employee, who are claiming for the dues, that were payable on the death of the deceased employee.
3. During the course of the hearing, it has been revealed that the amount of gratuity, which fell due to the deceased employee has been deposited before the controlling authority under the Payment of Gratuity Act. It has been further informed that so far as the dispute between the family members, a suit for succession is already pending consideration before the competent Civil Court.
4. In view of the aforesaid facts and circumstances of the case, this Court at this juncture in exercise of its power under Article 226 of the Constitution of India finds it difficult to entertain the writ petition. Reserving the right of the petitioner to get the succession case decided at the earliest and thereafter approach the department for the release of the same, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge