

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10172 of 2019**

- Girja Bai Rathore W/o Shri Fulchand Rahtore Aged About 57 Years R/o Village Ratan-Mahaka, Block Kharsia, District Raigarh, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Water Resource Department, Mahanadi Bhawan, Mantralaya, New Raipur, Police Station Rakhi, District Raipur, Chhattisgarh.
2. Joint Director Treasurer Accounts And Pension, Bilaspur Division Bilaspur, Chhattisgarh.
3. The Superintendent Engineer Water Resource Division Kota, District Bilaspur, Chhattisgarh.
4. The Executive Engineer Water Resource Division Kota, District Bilaspur, Chhattisgarh.
5. Fulchand Rathore S/o Late Pitamber Rathore Retired Assistant Grade 2, Water Resource Division Kota, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner : Shri Jeet Patel, Advocate

For Respondents/ State : Shri Kapil Maini, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****05/12/2019**

1. Heard.
2. The instant petition is filed on the ground that the petitioner is a legally wedded wife of Respondent No. 5 namely Fulchand Rathore. It is contended initially name of the petitioner appeared in the nomination form in the service book of the respondent No. 5. Subsequently, her name was changed without her knowledge and name of some other lady was added. Learned

counsel for the petitioner further would submits that as per Section 6 of the Gratuity Act only family members can be the nominee.

3. Perusal of order of JMFC shows prima facie the status of petitioner is accepted to be the wife of Fulchand Rathore, the Respondent No.5. If the Respondent No. 5 has nominated other lady as nominee against family members and the petitioner is claiming that she is wedded wife and is entitled for retirement benefit the petitioner has to seek redressal for her right before other forum. Necessarily, it would require evidence, therefore, in exercise of power under Article 226 of the Constitution of India this Court would not go into fact finding and would not make a roving enquiry to pass a declaratory relief.
4. The petition has no merit, hence dismissed.

Sd/-

Goutam Bhaduri
Judge

Jyoti