

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2716 of 2020

1. Smt. Sumitrin Nirmalkar Wife Of Late Ramlal Nirmalkar Aged About 55 Years Resident Of C/o Ramlal Nirmalkar, Ward No. 9, Village- Lakhna, Sarora, Raipur Chhattisgarh
2. Tiharu Ram Nilmalkar Son Of Late Ramlal Nirmalkar Aged About 36 Years Resident Of C/o Ramlal Nirmalkar, Ward No. 9, Village- Lakhna, Sarora, Raipur Chhattisgarh
3. Agnu Nilmalkar Son Of Late Ramlal Nirmalkar Aged About 31 Years Resident Of C/o Ramlal Nirmalkar, Ward No. 9, Village- Lakhna, Sarora, Raipur Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary/ Upper Secretary Department Of Water Resource, Mantralaya, New Raipur, District Raipur Chhattisgarh.
2. Engineer-In-Chief (Incharge) Water Resources Department, Sector-19, Shivnath Bhawan, Atal Nagar, Raipur Chhattisgarh
3. Executive Engineer Office Of Executive Engineer, Kharung W.R. Division, Bilaspur, District Bilaspur Chhattisgarh
4. Radha Bai Yadav Daughter Of Govardhan Yadav Aged About 48 Years Resident Of Village Mendra, Post- Sahara, Ps - Sakri, Distt. Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Chakresh Tiwari, Advocate
For State	:	Ms. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

20.08.2020

Heard.

1. Learned counsel for the petitioner would submit that petitioner No. 1 is the wife and petitioner No. 2 & 3 are the sons of Shri Ramlal Nirmalkar, who died on 12.12.2019. He further submits that after demise of Shri Ramlal Nirmalkar husband of petitioner No. 1, application (Annexure P-2) has filed application to grant the retiral dues along with the prayer of compassionate appointment. However, another person namely Radha Bai Yadav (Respondent No. 4) is claiming the retiral dues, although she is not the

legal heir. Under the circumstances, the petitioners pray that the application dated 16.03.2020 (Anneuxre P-2) may be directed to be decided whereby the petitioners have claimed for retiral dues and for compassionate appointment.

2. *Prima facie*, it appears that there is a dispute *inter se* between the parties who are claiming to be legal heirs. This court is not going into factual dispute to such aspect. However, as of now since the prayer is made for deciding the application (Anneuxre P-2), taking into such fact, it is directed that Respondent No. 3 shall decide the application of the petitioner (Anneuxre P-2) within a period of 90 days from the date of receipt of a copy of this order.
3. With the aforesaid observation the petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge