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**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (C) No. 1323 of 2020**

Smt. Laxmi Bai Kothari W/o Late Ganguram Kothari, Aged About 75 Years, Resident Of Village Khairwahi, Post Narratola, Block Doundi, District Balod, Chhattisgarh

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

1. Bhilai Steel Plant Through The Managing Director, Bhilai Steel Plant, Bhilai, District Durg, Chhattisgarh
2. State Of Chhattisgarh Through The Secretary, Scheduled Cast And Scheduled Tribe Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh
3. The Commissioner, Chhattisgarh State Scheduled Tribe Commission, Raipur, Chhattisgarh, Through Its Secretary, 61 Jalvihar Colony, Raipur Chhattisgarh
4. Akabar Singh Kothari S/o Ganguram Kothari, Aged About 60 Years Resident Of House No. 3, Sector -4, Bhilai Nagar, Police Station Bhilai, District Durg, Chhattisgarh

**---- Respondents**


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|-----------------------------|---|---------------------------------|
| For Petitioner              | : | Ms. Swati Verma, Advocate       |
| For State/Respondents 2 & 3 | : | Ms. Sunita Jain, Govt. Advocate |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****05.08.2020**

1. The present writ petition has been filed seeking for a direction to the respondents 1 to 4 to take necessary action for providing maintenance to the petitioner. The petitioner has also sought for a direction to the

respondent no.1 to stay the retiral dues payable to the respondent no.4 ensuring payment of maintenance to the petitioner.

2. From perusal of the pleadings it reflects that on an earlier occasion the respondent no.3 had passed an order on 21.10.2014 directing the respondent no.4 to pay monthly maintenance amount of Rs.5,000/- to the petitioner. The said order was challenged by the respondent no.4 in WPC No. 2360/2014 and the writ petition was dismissed affirming the order passed by the respondent no.3 granting maintenance to the petitioner.
3. The contention of the counsel for the petitioner is that now the respondent no.4 stands retired from service w.e.f. 31.07.2020 and since then the petitioner has not got any maintenance.
4. This Court is of the opinion that for the said relief which the petitioner claims, the petitioner would have to approach the court of law under Section 125 of CrPC or would have to approach the respondent no.3 before whom the petitioner had on the earlier occasion approached for grant of maintenance.
5. Reserving the right of the petitioner to avail the remedies open to the petitioner, the writ petition stands rejected as not sustainable.

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