

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2855 of 2020**

- Punam Yadav D/o Late Pannalal Yadav Aged About 37 Years R/o Ravatpura Colony Pase-1, Near Charch, Shriram Chowk, Raipur

---- Petitioner**Versus**

1. The Principal Secretary (PWD) Mantralay, Mahanadi Bhawan, New Raipur, District Raipur
2. S.D.O. P.W.D. Office Division Number-2, Raipur, Chhattisgarh
3. Smt. Kanti Bai R/o 22/1059, Anurag Nagar, Pandritarai, Raipur, Chhattisgarh

---- Respondents

For Petitioner : Shri Badruddin Khan, Advocate

For Respondents/State : Ms. Akanksha Jain, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****21/07/2020**

1. Heard.
2. It is contended that the father of the petitioner died in harness on 20.04.2020 and he was working as a mason and after the death of the father of the petitioner, though the name of the petitioner appeared in the service book, another lady has claimed to be the wife of the the deceased because of this the retiral dues are not been released in favour of the petitioner.
3. At the outset, considering the dispute as projected, it appears that there are two rival claimants making claim over the retiral dues. This issue can only be

settled after the evidence is adduced before the competent Court. This Court in exercise of power under Article 226 of the Constitution of India cannot go into such issue so as to find out the identity and entitlement when two rival claims are made. Since the issue is about the disputed question of fact, I am not inclined to entertain this petition.

4. Accordingly, the writ petition is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu