

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5947 of 2019**

1. Rekha Mishra, W/o. Late Anand Mishra, Aged About 39 Years, Resident BTI Road, Opposite Adiwasi Hostel, Mahasamund, Tahsil And District Mahasamund, Chhattisgarh.
2. Aryan Mishra, S/o. Anand Mishra, Aged About 14 Years, Resident Of BTI Road, Opposite Adiwasi Hostel, Mahasamund, Tahsil And District Mahasamund, Chhattisgarh
3. Aarom Mishra, S/o. Anand Mishra, Aged About 12 Years, Resident Of BTI Road, Opposite Adiwasi Hostel, Mahasamund, Tahsil And District Mahasamund, Chhattisgarh.

---- Petitioners**Versus**

1. State Of Chhattisgarh, Through Its Secretary, Department Of Education, Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattisgarh.
2. The District Education, District - Mahasamund, Chhattisgarh.
3. Smt. Surekha Mishra, W/o. Late Anand Mishra, Aged About 45 Years, Resident Of Rameshwar Nagar, Bhanpuri, Post Office - Birgaon, Raipur, District - Raipur, Chhattisgarh.

---- Respondents

For Petitioners	:	Ms. Anuja Sharma, Advocate
For State/Respondents No.1 & 2.	:	Ms. Binu Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****19.02.2020**

Heard.

1. The petitioners contend that the instant petition is on behalf of Aryan Mishra & Aarom Mishra who are minors by Rekha Mishra who is petitioner No.1. It is contended that father of the petitioner No.2 & 3 died in harness on 21.09.2014 and thereafter despite the fact the succession certificate have been issued by this Court in Civil Revision No.172 of 2017 and 181 of 2017 on 12.02.2018, the petitioners and other beneficiary are not being granted the pensionary and other retiral benefits.

2. Perusal of the documents reveal that this Court in Civil Revision No.172 of 2017 and 181 of 2017 by order dated 12.02.2018 has passed the following effective order :

“In the light of foregoing, children Aaryan Mishra and Aarom Mishra are also entitled to get succession certificate along with Surekha Mishra, Vaishnavi Mishra and Kumodini Mishra. Therefore, necessary succession certificate be issued in favour of Aaryan Mishra, Aarom Mishra, Surekha Mishra, Vaishnavi Mishra and Kumodini Mishra for succession in equal proportion/ share.”

3. In writ appeal also bearing W.A.No.480 of 2018 on an another issue, the Division Bench of this Court on 19.07.2018 has observed that so far as share of pension and other post retiral dues are concerned that would be decided according to the declaration made by High Court in Civil Revision Nos.172 of 2017 and 181 of 2017 in the judgment dated 12.02.2018. Therefore, the finding of the Civil Revision holds the fate which is reproduced as above.
4. Considering the said order that already shares have been apportioned in the equal proportion share, the respondent authorities are directed to release the pensionary and other retiral benefits in terms of the order passed in Civil Revision and equal proportionate share be made available to petitioners to their respective part of share within a period of 30 days as per spirit of order of Civil Revision.
5. With the aforesaid observations, this writ petition stands finally disposed of.

Sd/-
Goutam Bhaduri
Judge

Aks