

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 768 of 2021**

1. Smt. Meena Jagnit S/o Puranlal Jagnit Aged About 37 Years Caste-Mochi
2. Yashnil S/o Puranlal Jagnit Aged About 17 Years
3. Bhavesh S/o Puranlal Jagnit Aged About 12 Years

Petitioner No.1 & 2 are Minor Through Their Natural Guardian Mother Smt. Meena W/o Puranlal Jagnit,

All are R/o Village- Dongargaon, Police Station And Tahsil Dongargaon, District- Rajnandgaon, Chhattisgarh.

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Home Affairs (Police), New Raipur, Mantralaya, New Raipur, Civil And Revenue, District- Raipur, Chhattisgarh.
2. Director General Of Police Raipur, District- Raipur, Chhattisgarh
3. Inspector General Of Police Durg Range, District- Durg, Chhattisgarh
4. Superintendent Of Police Rajnandgaon, Civil And Revenue District- Rajnandgaon, Chhattisgarh
5. The Collector Rajnandgaon, Civil And Revenue District- Rajnandgaon, Chhattisgarh
6. Station House Officer Police Station Baghnadi, District- Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Punit Ruparel, Advocate
For State	:	Mr. Aditya Bhardwaj, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy
Order on Board

23/02/2021

1. The present writ petition has been filed seeking for grant of death-cum-retiral benefits payable to the petitioners on the death of late Puranlal Jagnit.

2. The facts of the case is that the petitioner No.1 was the wife of late Puranlal Jagnit and the petitioners No.2 & 3 are the sons of late Puranlal Jagnit. The said late Puranlal Jagnit working on the post of Constable under the respondents died in harness on 02.08.2020 on being infected with the Corona Virus on 02.08.2020. Thereafter, the petitioners have approached the respondents authorities for the release of death-cum-retiral benefits and also for any other benefits, which the petitioners would be entitled for on the death of the deceased employee on account of Corona Virus.
3. Perusal of the pleading would show that the petitioner No.1 in fact has been divorced by Puranlal Jagnit and as such as on date she is a divorcee and no longer enjoys the status of the wife of the deceased employee. The petitioner along with the writ petition has also filed the divorce decree issued by the competent Court of law. Since she is a divorced wife of the deceased employee, she may not be entitled for any benefits, which accrue on the death of the deceased employee as she would no longer be the legal heir of the deceased.
4. However, as regards the petitioners No.2 & 3 subject to verification of facts, if they are the sons from the marriage with the deceased and the petitioner No.1, they would be the linear dependent on the deceased employee and they would also be entitled for the benefits, which falls on the death of the deceased, who has died in harness, unless there is some other objections received from any other persons in this regard.

5. Given the aforesaid factual matrix of the case as it stands, let the claim of the petitioners be settled at the earliest and the respondents No.2 to 4 are directed to ensure that necessary steps are taken for the settlement of the death-cum-retiral benefits including any pensionary benefits in favour of the petitioners No.2 & 3 subject to verification of the entire records, so far as the entitlement of the petitioners No.2 & 3 as also they proving that they are the legal heirs of the deceased employee. Let an appropriate decision be taken in this regard at the earliest preferably within a period of 4 months from the date of receipt of the copy of this order.
6. With the above observations, this writ petition stands finally disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved