

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2871 of 2021

- Purnima Singh Garewal W/o Late Jasbir Singh Garewal Aged About 56 Years
R/o Q.No. 2, Adarsh Bhawan, Rathore Chal, Beltikri Basawat, Dipka, Police
Station Dipka , Tahsil Katghora, District Korba Chhattisgarh

---- Petitioner

Versus

1. General Manager, South Eastern Coal Fields Limited Seepat Road Sarkanda
Bilaspur , Tahsil And District Bilaspur Chhattisgarh
2. General Manager South Eastern Coal Fields Limited, Area Personnel
Department, Dipka Area Korba , Tahsil Katghora, District Korba Chhattisgarh.
3. Regional Commissioner Coal Mines Provident Fund Organization Seepat
Road Sarkanda Bilaspur , Tahsil And District Bilaspur Chhattisgarh

---- Respondents

For Petitioner : Shri Ratnesh Kumar Agrawal, Advocate

For Respondent/ State : Shri Vaibhav Shukla, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.07.2021

Heard

1. It is contended that petitioner is wife of late Jasbir Singh Garewal, he was employed with SECL. After his death one Umesh Mehra has claimed that he is son of late Jasbir Singh Garewal and therefore he is also entitled for all the death claims of late Jasbir Singh Garewal. Learned counsel for the petitioner refers to the mark sheet of Umesh Mehar (Annexure P-5) who claims himself to be the legal heir of late Jasbir Singh Garewal and submit that the mark sheet shows that he is son of one late Mangat Ram Mehra. He further submits that the claim of the petitioner being wife has been partly settled but for the rest of claim it is not discharged . Therefore, the petitioner prays that

SECL may be directed to decide the application/ representation of the petitioner and claim of the petitioner which is quit logical.

2. Learned counsel for the respondent/ SECL opposes the argument.
3. Heard learned counsel for the parties and perused the documents.
4. After consideration of the submission made by the petitioner, facts suggest that apart from petitioner, one more person claims to be legal heir of late Jasbir Singh Garewal. One is the petitioner, who is wife and the another one is Umesh Mehar, who claimed himself to be the son. The petitioner's claim is that she is rightful legal owner could have been accepted in absence of any dispute but when a dispute has come to fore it has to be decided by the competent Civil Court under the Succession Act. Learned counsel for the petitioner is unable to satisfy the Court as to under which provision such representation can be directed to be decided so as to confer the SECL with the power of Succession Court. Therefore, no relief can be granted by this Court.
5. In view of this, the petition sans merit is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti