

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4084 of 2021**

1. Usha Sonkar W/o Shiv Kumar Sonkar Aged About 54 Years R/o Benind White House, Uslapur P.S. Sakri, District Bilaspur Chhattisgarh
2. Ku. Manisha Sonkar D/o Shiv Kumar Sonkar Aged About 30 Years R/o Behind White House Uslapur P.S. Sakri, District Bilaspur Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Home And Police Affairs, Secretariat, Mahanadi Bhawan, New Raipur, P.S. And Post Rakhi, District Raipur, Chhattisgarh
2. Director General Of Police, Police Head Quarter, Civil Line, P.S. Civil Line, District Raipur Chhattisgarh.
3. The Secretary Finance Mahanadi Bhawan, Mantralay Bhawan, Raipur, District Raipur, Chhattisgarh
4. Accountant General Office Of Accountant General (Lekha And Hak) Zero Point, Baloda Bazar Road Raipur, District Raipur Chhattisgarh
5. The Superintendent Of Police Raigarh Tahsil District Raigarh Chhattisgarh
6. Manju Yadav W/o Ashish Kumar Sonkar Aged About 35 Years R/o Near Subhash Lakdi Tall, Patwari Bada, Masan Ganj Bilaspur District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Yogesh Chandra, Advocate
For State	:	Mr. Ayaz Naved, GA
For Res. No.4	:	Mr. Rajkumar Gupta, Advocate

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

09/08/2021

1. The dispute in the present writ petition seems to be the apportionment of the amount of provident fund payable to the family members of the deceased Ashish Kumar Sonkar constable working under the Police Department of State of Chhattisgarh who died while in service on 05.06.2021.
2. From the pleadings of the writ petition it would be evidently clear that the deceased constable Ashish Kumar Sonkar was survived by his wife and two children one daughter and one son. In addition, the petitioners also claimed themselves to be the dependents on Ashish Kumar Sonkar the deceased employee. The petitioner no.1 who is the mother and petitioner no.2 who is unmarried sister. The petitioners herein are claiming their share in the amount of GPF and gratuity payable on the death of the deceased on the basis of so called will executed by the deceased before his death.
3. Undisputedly, the deceased Ashish Kumar Sonkar the deceased was survived by his wife and two children. The claim on the death of an employee arising out of the employment has to be decided on the basis of rules governing the field framed specifically in this regard. The petitioners herein have not been able to show any specific Rule Provision which entitles them to have a share in the GPF or gratuity amount which became payable on the death of the deceased Ashish Kumar Sonkar. Even, if the petitioners are entitled for any benefit, the same can be only after a right is created in their favour from any of the statutes or rules governing the service regulations both so far as GPF as also for payment of gratuity is concerned. If not, there has to be an order issued from a competent Court of law which shall decide the said issue after recording of evidences and also appreciating of the rule provisions governing the field. Thus, disputed questions of facts so far as entitlement of the

petitioners qua the entitlement of the wife and children are not issues which can be decided by this Court exercising the Writ Jurisdiction under Article 226 of the constitution of India.

4. Given the said facts, it would be difficult for this Court at this juncture to issue appropriate directions to the respondents or grant of any such relief to the petitioners. Therefore, reserving the right of the petitioners for availing appropriate civil remedies available to them, the present writ petition at this juncture stands rejected holding it to be not maintainable.

Sd/-
(P. Sam Koshy)
Judge

Rohit