

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 3828 of 2021

1. Smt. Rajkumari W/o Shri Bhisani Prasad Khare And D/o Late Shri Hariram Aged About 36 Years R/o House No. Mq 396, Azad Chowk, Deepka Colony, Police Station Deepka, Post Gevra, District Korba Chhattisgarh.

---Petitioner(s)

Versus

1. South Eastern Coal Field Limited Through Chief Managing Director Seepat Road, Post Secl, Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Director Personnel South Eastern Coal Field Limited Seepat Road, Bilaspur Chhattisgarh.
3. General Manager South Eastern Coal Field Limited Area Gevra, Post Gevra, Korba, District Korba Chhattisgarh.
4. Chief Area Personnel South Eastern Coal Field Limited Area Gevra, Post Gevra, Korba, District Korba Chhattisgarh.
5. Coal Mines Provident Fund Organisation Through Assistant Commissioner Seepat Road, Bilaspur, District Bilaspur Chhattisgarh.
6. Smt. Firtin Bai W/o Sukhdev R/o Village Gataura, Sankar Nagar, Ward No. 17, Jai Stambh Chowk, Tahsil and Police Station Masturi, District Bilaspur Chhattisgarh.

---Respondents

For Petitioner	:	Shri SP Kale, Advocate.
For Respondents	:	Shri Goutam Khetrapal, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27.07.2021

1. The claim of the petitioner in the present writ petition is non settlement of death cum retiral dues including pension and pensionary benefits payable on the death of the deceased employee namely Hariram, the father of the petitioner.
2. The father of the petitioner late Hariram was working under the respondents on the post of Peon. He died in harness of Corona Virus on 05.05.2021. Subsequently the petitioner has been approaching the respondents for releasing of death cum retiral dues including pension and pensionary benefits, if any, but the same till date has not been considered

and decided. The petitioner now has come to know that the respondent department is in the process of settling the entire dues in favour of the respondent No.6, who is claiming to be the second wife of the deceased.

3. The counsel for the petitioner submits that the respondent No.6 infact is not wife the late Hariram. Late Hariram had never married respondent No.6, neither is the name of respondent No.6 got entered in any of the service records of the deceased employee as his wife. It is further contention of the petitioner that the respondent No.6 infact is the wife of one Sukhdev, therefore the respondent No.6 under no circumstances is entitled for any benefits.
4. Given the nature of dispute that the petitioner raises, this court is of the opinion that these issues are not one which can be decided under the writ jurisdiction of this court. The writ petition at this juncture stands disposed of directing the respondents No.1 to 5 to take note of the claim of the petitioner and the objections that the petitioner has raised so far as status of the respondent No.6 is concerned. The respondent No.1 to 5 on due scrutiny and verification of the entire records including the relationship of respondent No.6 with the deceased employee shall take appropriate decision on settlement of the entire dues payable to the legal heirs of the deceased employee. It is ordered that till a specific verification and enquiry is done, no payment should be released in favour of the respondent No.6.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge