

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4896 of 2021

1. Smt. Duleshwari Tandon W/o Ram Ratan Tandon Aged About 50 Years R/o Village Katekoni Bade, Tahsil And P. S. Dabhra, District Janigir Champa Chhattisgarh
2. Vinod Kumar Tandon S/o Ram Ratan Tandon Aged About 23 Years R/o Village Katekoni Bade, Tahsil And P. S. Dabhra, District Janigir Champa Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Forest, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. Managing Director Chhattisgarh State Laghu Avam Vanopaj (Vyapar And Vikash) Sahkari Sangh Maryadit Vandhan Bhawan, Sector-24, Atal Nagar, Naya Raipur District Raipur Chhattisgarh
3. Managing Director Zila Vanopaj Sahakari Sangh Maryadit Raigarh District Raigarh Chhattisgarh
4. Smt. Yamini Tandon W/o Late Vikram Singh Tandon Aged About 24 Years Working At Zila Laghu Vanopaj Sahkari Unit Maryadit Raigarh, District Raigarh, Present Address-Forest Department Forest Division Dharamjaigarh District Raigarh Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Manoj Kumar Jaiswal, Advocate
For State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/09/2021

1. The grievance of the petitioners in the present writ petition seems to be the action on the part of the respondent No.2 who has released certain amount of money, which fell due on the death of the husband of the respondent No.4 to the respondent No.4.

2. The entire claim of the petitioner was on the basis of the nomination that was made in service record of deceased Vikram Singh, where the name of the petitioners were reflected. Petitioner No.1 is the mother and the petitioner No.2 is brother of the deceased employee. The respondent No.4 is the wife of the deceased.
3. After the death of the deceased, the respondent No.4 had moved an application for compassionate appointment, which has already being processed and appointment orders have also being issued in favour of the respondent No.4. However, at the time of grant of compassionate appointment, there was a sort of agreement entered into between the petitioner and the respondent No.4, where it was agreed that the employment would be taken by the respondent No.4 and the monetary dues which fell due on the death of the deceased would be taken by the petitioners. However contrary to the said agreement between the parties, the respondent No.4 now is said to have got certain monetary benefits released in her favour, which has led to the filing of the present writ petition.
4. There is no dispute so far as the marital status of the respondent No.4 is concerned. The respondent No.4 admittedly is the widow of the deceased employee. The Department has also accepted this fact and has granted compassionate appointment to the respondent No.4. Now in case if the respondent No.4 has acted contrary to the agreement entered into between the respondent No.4 and the petitioners that would be a pure private dispute inter-se between the petitioners and the respondent No.4 and for adjudication of the same, the proper

forum would be the concerned Civil Court, where the parties would be able to lead their evidence to substantiate their claim and also their grounds and contentions. Such disputed questions of facts cannot be adjudicated upon exercising the writ jurisdiction of this Court. Reserving the right of the petitioners to approach the concerned Court, if they so want in respect of the claim that they are making for, the present writ petition at this juncture stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved