

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5873 of 2021

1. Smt. Kusumlata Sidar Wd/o Tribhuwan Singh Sidar Aged About 54 Years R/o Village Dhansir, Police Station Saliha, Tahsil Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department of Water Resources, Mahanadi Bhawan, New Mantralaya Raipur Chhattisgarh.
2. Engineer In Chief Water Resources Department Mantralay Mahanadi Bhawan, District New Raipur Chhattisgarh.
3. Executive Engineer Minimata Bango Canal Division No. 5 Kharsiya Water Resources Department District Raigarh Chhattisgarh.
4. Divisional Joint Director Treasury, Account and Pension Bilaspur Division District Bilaspur Chhattisgarh.

---Respondents

For Petitioner	:	Shri FS Khare, Advocate.
For State	:	Shri Lalit Jangde, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27.10.2021

1. Aggrieved by the decision of the respondents in raising a demand of Rs.3,55,296/- from the Husband of the petitioner, the present writ petition has been filed.
2. Facts of the case is that the Husband of the petitioner was working as an Assistant Engineer under the Water Resources Department. He stood retired from service on attaining the age of superannuation w.e.f. 30.06.2019. In the course of settlement of the retiral dues, the authorities found that there was some erroneous excess payment made to the employee concerned i.e. the Husband of the petitioner to the tune of Rs.3,55,296/-. The department immediately raised a demand for depositing the said amount so that the retiral dues could be finalized and settled. The Husband of the petitioner voluntarily without raising any objection immediately deposited the said amount with the respondent

authorities as early as on 12.09.2019 and subsequently the pensionary benefits and the retiral dues have all been settled. The Husband of the petitioner further lived for another two years time and unfortunately he expired on 29.03.2021.

3. Till the date the Husband of the petitioner was alive, he had not raised any grievance in respect of the alleged recovery which the department has made at the time of settlement of his retiral dues. It is only after more than two years time now that the petitioner, the wife of the deceased employee, has filed the present writ petition questioning the said recovery initiated by the department post retirement of her Husband.
4. At the outset, this court is of the opinion that the petitioner does not have any locus to file the present writ petition for more than one reasons; firstly she is not an employee concerned in the present writ petition. Secondly the recovery has not been made from the dues payable to the petitioner and thirdly the recovery in fact has been made during the lifetime of the employee concerned and which the employee concerned has deposited without any objection whatsoever. Therefore, at this stage the petitioner would not have the right and locus to challenge the action on the part of the respondents and also the action on the part of the Husband of the petitioner in depositing the amount voluntarily with the respondents.
5. The writ petition therefore being devoid of merit deserves to be and is hereby rejected.

Sd/-
(P. Sam Koshy)
Judge