

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6298 of 2021**

- Prateek Shyam Diwakar S/o Late Shri Radheshyam Diwakar Aged About 14 Years Minor Through His Natural Guardian Mother Smt. Kamini Diwakar W/o Late Shri Radheshyam Diwakar Aged About 41 Years R/o Vivekanand Nagar Basant Vihar, Mopka Bilaspur, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Of Education Mantralaya Naya Raipur, Chhattisgarh
2. State Of Chhattisgarh Through Secretary, Finance Department Mahanadi Bhavan, Mantralay, Naya Raipur, Chhattisgarh
3. The Accountant General, Raipur District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
4. The Commissioner Directorate, Treasury And Pensions Indrawati Bhavan, Naya Raipur, Chhattisgarh
5. Director Department Of Eucation Directorate Of Public Instruction, Raipur, District Raipur, Chhattisgarh
6. Collector Jashpur District Jashpur, Chhattisgarh
7. District Education Officer Jashpur, District Jashpur, Chhattisgarh
8. Block Education Officer Pathalgaon District Jashpur, Chhattisgarh
9. Principle Of Government Higeher Secondary School Sekharpur Block-Pathalgaon, District Jashpur, Chhattisgarh
10. Smt. Krishna Diwakar W/o Late Shri Radheshyam Diwakar R/o House No. C-8, Nature City, Uslapur, District Bilspur, Chhattisgarh
11. Shri Pranay Shyam Diwakar S/o Late Shri Radheshyam Diwakar R/o House No. C-8, Nature City, Uslapur, District Bilspur, Chhattisgarh
12. Shri Pradeep Shyam Diwakar S/o Late Radhe Shyam Diwakar R/o House No. C-8, Nature City, Uslapur, District Bilspur, Chhattisgarh
13. Somprabh Shyam Diwakar S/o Late Shri Radheshyam Diwakar R/o House No. C-8, Nature City, Uslapur, District Bilspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Amit Kumar Chaki, Advocate
For State/Respondent Nos.1,2&4 to 9:	:	Smt. Binu Sharma, PL, on advance copy
For Respondent No.3	:	Shri R.K.Gupta, Advocate, on advance copy

Single Bench: Hon'ble Shri Justice Sanjay S. Agrawal
Order On Board

15.11.2021

1. By way of this petition filed under Articles 226/227 of the Constitution of India, the Petitioner is praying for issuance of writ of mandamus directing the Respondent authorities to issue suitable orders to sanction equal share in the Family Pension, Death-cum-Retirement Gratuity, Provident Fund and Leave Encashment, which have been accrued on account of death of his father, who died on 10.04.2021.
2. It is contended by the Petitioner that he is a minor child and presently studying in Class 9th at Brilliant Public School, Bilaspur and was completely dependent upon his father late Shri Radheshyam Diwakar. It is contended further that upon his sad demise, an appointment order on compassionate ground is issued to his step-brother, namely- Pradeep Shyam Diwakar, but he is not taking care of him and, therefore, he is praying for the said relief.
3. At the outset, it appears that for seeking the same relief, an application was filed before the District Education Officer, Jashpur on 25.05.2021 (Annexure P9) and thereafter, a similar kind of application was made on 04.08.2021 (Anenxure P10) before the said authority, and both the applications are still pending.
4. In view of the pendency of those applications, this Court feels that no fruitful purpose would be served in keeping the petition pending as it can be disposed of at this stage itself.
5. Accordingly, this Writ Petition is disposed of by directing the concerned Respondent authority (District Education Officer, Jashpur) to take an appropriate decision on the said representations/applications filed by the Petitioner within a period of three months from the date of communication/receipt of the copy of this

order.

6. It is made clear that this Court has not expressed any opinion on merits of the case while disposing of this petition and the concerned authority shall decide the said representations/applications in accordance with law.

7. With the aforesaid observations, this Writ Petition stands disposed of at the admission stage itself.

Sd/-

(Sanjay S. Agrawal)
JUDGE

sunita