

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (SERVICE) NO. 6 OF 2021**

Smt. Mangret, W/o Banveer Ram Pradhan, aged about 65 years, R/o Village Sanna, Post Sanna, Tahsil Bigicha, District Jashpur (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through Secretary, Public Works Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur (CG)
2. Executive Engineer, Public Works Department, Division Jashpur, District Jashpur (CG)
3. Sub Divisional Officer, Public Works Department, Sub Division No.1, Jashpur, District Jashpur (CG)

... Respondents

For Petitioner : Mr. C.J.K. Rao, Advocate.

For Respondents/State : Mr. Ishan Verma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****05/07/2021**

1. Aggrieved by the inaction on the part of Respondents in not releasing the death-cum-retiral benefits including the pensionary benefits, the present Writ Petition has been filed by Petitioner who is the widow of the deceased employee, Banveer Ram Pradhan.

2. According to Petitioner, her husband was working as a permanent employee in the contingency establishment under Respondent No.3 and he died in harness on 23.4.2008. Thereafter, the Petitioner till date has not received any death-cum-retiral benefits including the pensionary benefits which she is entitled for.

3. Learned Counsel for Petitioner refers to Annexure P-3, dated 3.11.2009, issued from the office of the Executive Engineer, Public Works Department, Jashpur Division directing the Sub Divisional Officer, Public Works Department, Sub Division No.1, Jashpur for processing the claim of the claimants subject to their furnishing the required succession certificate. Learned Counsel for Petitioner submits that immediately thereafter the

Petitioner had applied for the succession certificate which she could obtain only on 6.5.2019 and the same has subsequently been produced before the Authorities, however, till date there has been no further progress.

4. Learned Panel Lawyer appearing for Respondents submits that since the claim is pending consideration and also looking to the submissions of learned Counsel for Petitioner that the succession certificate has been submitted before the Authorities concerned, the matter shall be processed in accordance with law and the entitlement of Petitioner shall be decided at the earliest.

5. Taking into consideration the facts and circumstances of the case and also the submissions of learned Counsel for the parties, the present Writ Petition at this juncture is disposed of directing the Respondents to immediately process the claim of Petitioner so far as grant of death-cum-retiral dues, like - gratuity, pension etc., is concerned, strictly in accordance with the rules governing the field, at the earliest, preferably within a period 120 days from the date of receipt of copy of this order and whatever admissible dues should also be finalized within the said period, failing which any amount payable shall carry interest at the rate of 10% per annum from the date of death of the deceased employee till the actual payment is made. The interest part would be recoverable from the erring officials who do not process the case promptly.

6. Writ Petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE