

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.6814 of 2021**

1. Smt.Nayana Arya, W/o Late Ramjeet Arya, aged about 58 years,
2. Ritupriya Arya, D/o Late Ramjeet Arya, aged about 28 years,
3. Rishabh Arya, S/o Late Ramjeet Arya, aged about 27 years

All residents of 116, House of Brijesh Yadav, Jyoti Shiksha Sansthan, School Road, Darripara, Ambikapur (CG)

----- **Petitioners**

Versus

1. State of Chhattisgarh, through the Secretary, Public Works Department, Nirman Bhawan, Nava Raipur, Atal Nagar, District Raipur (CG)
2. Engineer in Chief, Public Works Department, HQ-Nirman Bhawan, Nava Raipur, Atal Nagar, District Raipur (CG)
3. Chief Engineer, Public Works Department (E&M), Near Kali Mandir, Katora Talab Road, Raipur (CG)
4. Superintending Engineer, Public Works Department (E&M), Bilaspur Circle, Near Kacheri, Bilaspur (CG)
5. Executive Engineer (E&M), Public Works Department, Ambikapur Division, District Surguja (CG)
6. Vijay Arya, aged about 33 years, R/o M/s Vijay Enterprises, Village Kanchanpur (Bamharaula), Tahsil-Kothi, District Satna 485666 (MP)

----- **Respondents**

For Petitioners : Mr.R.K.Kesharwani, Advocate
 For Respondents No.1 to 5: Ms Sunita Jain, G.A.
 For Respondent No.6 : Not noticed

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

10/12/2021

1. The petitioners have filed this writ petition for directing respondent No.5 to release the entire post-retirement dues in favour of petitioner No.1.
2. Mr.R.K.Kesharwani, learned counsel for the petitioners, would submit that petitioner No.1 is entitled for entire

post-retirement dues of deceased Ramjeet Arya. Therefore, appropriate direction be issued in the light of decision of the Madhya Pradesh High Court in the matter of **Smt.Mamta Sharma v. State of M.P. and Others**¹.

3. I have heard learned counsel for the petitioner and perused the documents appended with the writ petition.
4. The dispute relates to the service benefits on account of death of late Shri Ramjeet Arya, who was working in the Department of Public Works. Respondent No.6 has filed Succession Case No.5/2021 in the Court of 1st Civil Judge Class-I, Ambikapur, in which on 26.2.2021 interim injunction has been granted against the petitioners qua payment of retiral dues, which has been partly modified on 28.6.2021 that pension amount can be given to the petitioners herein and remaining part of order of interim injunction is continuing and thereafter this writ petition has been filed questioning the order dated 26.2.2021.
5. The order dated 26.2.2021 has thereafter been modified on 28.6.2021 and succession case is pending before the Court of 1st Civil Judge Class-I, Ambikapur, in which the petitioners have also entered into appearance. Since the succession case is already pending before the Succession Court, it would not be appropriate to entertain the instant writ petition. However, the concerned Succession Court is directed to conclude the hearing of succession case within a period of three months from the date of receipt of a copy of this order.

1 2014(2) MPLJ 499

6. With the aforesaid observation / direction, the writ petition stands finally disposed off. A copy of this order be sent to the 1st Civil Judge Class-I, Ambikapur for compliance and needful. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-