

Usha Bai Widow And Ors Vs State Of Chhattisgarh And Ors

Court: Chhattisgarh High Court

Date of Decision: Sept. 6, 2018

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Vivek Ranjan Tiwari, SP Kale, Sudhir Agrawal, P. Dutta, B.D. Guru

Final Decision: Disposed Of

Judgement

P. Sam Koshy, J

1. The issue involved in this petition seems to be a dispute between two wives of the deceased employee late Ishwar Singh.

2. The petitioner No.1 claims herself to be the first wife of the deceased. The petitioner Nos.2 to 5 are the children born to the petitioner No.1 from

the marriage with the deceased employee. Likewise, the respondent No.6 also claims to be the wife of the deceased employee and the respondents

No.7 to 9 are the children born to the respondent No.6 from the relationship that the deceased employee had with the respondent No.6.

3. The employee Ishwar Singh died in harness on 20.09.2016. As per the service records, the names of respondent No.6 and 7 to 9 were found as

wife and children of the deceased employee in the nomination form. So far as petitioners are concerned, their names do not reflect in the service

records.

4. The counsel for the petitioner submits that the petitioners had meanwhile filed a succession case before the competent court of law and the court

has allowed the succession certificate in favour of the petitioners and which has been duly submitted before the District Education Officer for

processing the claim of the petitioners for releasing death cum retiral dues payable to the family members of the deceased employee.

5. The counsel for the private respondents however submits that the order passed in Succession case is already under challenge in Misc. Civil Appeal

No.05/2018 which is pending consideration and therefore till the date so far as succession certificate is not finally decided, the petitioners can not get

any advantage from the succession certificate issued in their favour, moreover it is their name which is reflected in the nomination form.

6. Given the aforesaid facts and circumstances of the case, the petition stands disposed of with a direction that the District Education Officer after

outcome of the appeal in the succession case preferred by the private respondents challenging the succession certificate issued in favour of the

petitioners, shall take an appropriate decision and pass a suitable order in accordance with rules and guidelines governing the field. Till then, let status

quo as it exists today be maintained so far as any dues which are payable to the legal representatives of the deceased employee is concerned.

7. Accordingly, the writ petition stands disposed of.