

(2018) 08 CHH CK 0258
Chhattisgarh High Court
Case No: Writ Appeal No. 628 Of 2018

Sonabai Dhritlahre

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Aug. 23, 2018

Hon'ble Judges: Ajay Kumar Tripathi, CJ; Parth Prateem Sahu, J

Bench: Division Bench

Advocate: Ashok Kumar Shukla, Yashwant Singh Thakur

Final Decision: Dismissed

Judgement

Ajay Kumar Tripathi, CJ

1. Heard counsel for the parties.

2. The submission of the counsel for the Appellant is that since she was not heard by the writ Court, therefore, serious prejudice has been caused to

her by giving a direction upon the employer to release the post retiral dues in favour of the private Respondent, to which the Appellant is entitled to. In

fact, she had adequate materials to establish that she has a case in her favour because at one point of time, her name was there in the service record

as a nominee, which subsequently came to be changed under unknown circumstances.

3. No doubt, the Appellant was not noticed or heard, but to examine the merit of the stand of the Appellant, we have gone through the writ Court's

record and have also gone through the order passed by the Court below in the Succession Case, which has gone against the present Appellant. It is

the stand of the counsel that her appeal is pending before the District Judge and if the order of the learned Single Judge is allowed to stand, this is

going to create prejudice against her.

4. It goes without saying that the direction issued by the learned Single Judge for release of the post retiral dues in favour of the private Respondent

will be without prejudice to the right of the present Appellant. The employer is directed to take an undertaking or a bond that in case, any order by the

judicial forum or Court in favour of the present Appellant is passed, then the settlement which has been made or would be made will be guided or

decided by the said decision.

5. The order of the learned Single Judge dated 22.06.2018 will not be treated as final decision with regard to the status of the private Respondents.

6. The appeal stands disposed off with the observations as above. is dismissed.