

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12359 of 2011

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Muni Devi Wife of Late Lagan Deo Singh, Resident of Quarter No. – H
(Old 11,12) Vidyut Board Colony, New Punaichak , Patna.

.... Petitioner/s

Versus

1. The Chairman, Bihar Electricity Board Vidyut Bhawan, Patna.
2. The Secretary, Bihar State Electricity Board Vidyut Bhawan ,
Patna.
3. The General Manager-cum-Chief Engineer, Bihar State Electricity
Board , Serpentine Road , Patna.
4. The Finance Controller (Pension Cell) Bihar State Electricity Board
Vidyut Bhawan , Patna.
5. The Joint Secretary General Administrative Department Bihar State
Electricity Board, Head Quarter, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Advocate.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

5 10-08-2015

Heard learned counsel for the parties.

The petitioner who claimed himself to be the widow of late Lagandeo Singh, who died in harness on 24.12.2008 from the post of Messenger, filed the present writ seeking payment of death-cum-retiral benefits.

It appears that pursuant to the nomination made in favour of the petitioner by the deceased employee himself for the Group Savings Scheme and the Provident Fund, the same has been paid to her.

The stand of the respondents in the counter affidavit is that another person claiming that the petitioner is not the wife of the deceased employee has filed succession suit

which is still pending and till that time they cannot make payment of the remaining death-cum-retiral benefits to the petitioner.

This Court finds such stand to be totally untenable for the simple reason that in the official records of the respondents relating to Group Savings Scheme and Provident Fund, the deceased employee himself had filled up the nomination form showing the petitioner as his second wife. Thus, when the employee himself has disclosed before the respondent that the petitioner was his wife, as far as the respondents are concerned, they cannot raise a dispute as to whether the petitioner is the wife or not. Though this Court could have appreciated such stand if the person had come claiming to be the son from another wife, in that case the Board could have had some justification to insist for a proper succession certificate before paying the benefits. In the present case when the other party claims to be the son of the brother of the deceased, who in the scheme of things cannot claim family pension or other retiral benefits when the widow and children are alive, and the deceased employee himself disclosing the petitioner to be his wife, the action/inaction on the part of the respondents borders on mala fide and may even be deliberate with ulterior motive. As far as the respondents are concerned, once the petitioner has filed the family list issued by the competent authority and further has



also produced an election photo identity card issued in the year 2005 i.e., well before the death of the employee, the respondents cannot have any justification to withhold payment based on the claim made by the other person. Further, in absence of any restraining order by the competent Court, the amount has to be necessarily paid without delay. If at all any adverse order by a Court follows, the consequences will also follow as that person may have a claim for recovery against the petitioner and other dependent family members of the deceased employee.

Accordingly, the application stands disposed off with a direction to the respondents to pay all death-cum-retiral benefits due to the late employee treating her to be the wife in accordance with the existing rules relating to apportionment among the widow and the dependent children.

Let such payment be made within six weeks from the date of production of a copy of this order before the Chairman-cum-Managing Director, Bihar State Power Holding Corporation who shall ensure that the competent authority shall comply with the order in accordance with law.

(Ahsanuddin Amanullah, J.)

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