

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.20889 of 2010**

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Mosmat Shakuntla Devi, wife of Late Triloki Prasad @ Trilokinath, resident of Mohalla Bakerganj Bajaja, P.S. Pirbahore, P.O. Bankipore, District Pant, at present C/o Sipahiji (Brother of petitioner) tenant of Sri Ramesh Sharma, Near Nagarpalika Bhawan, & Near Kumar Bhawan, Mohalla Bhawar Pokhar, P.S. Pirbahore, P.O. Bankipore, District Patna

.... .... Petitioner/s

Versus

1. The Regional Provident Fund Commissioner (Employees Provident Fund Organisation) Regional Office, Bhavishyanidhi Bhawan, R-Block, Road No. 6, Patna-800001
2. Sri Tarit Kumar Bose, the Proprietor cum Owner of Bharti Bhawan, P & O Thakurbardi Road, Kadam Kuan, Patna-800003

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Mithilesh Kumar Arya, Advocate  
For Respondent No. 1 : Mr. Jai Prakash Verma, Advocate  
For Respondent No. 2 : Mr. Alok Kr. Sinha, Advocate  
Mr. Indrajit Bhushan, Advocate

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**CORAM: HONOURABLE MR. JUSTICE V.N. SINHA**

**ORAL JUDGMENT**

**Date: 27-03-2015**

Heard learned counsel for the petitioner and the State.

2. By filing this writ petition, petitioner, the first wife of late Triloki Prasad @ Triloki Nath, who served as an employee of Bharti Bhawan, has claimed that equal distribution of the retiral dues between her and the children born to the second wife of late Triloki Prasad @ Triloki Nath is not just and proper, as she is entitled to the entire retiral dues of her late husband. Aforesaid contention of the petitioner is wholly devoid of merit, as offspring of the second wife are also entitled for payment from the estate of the deceased employee. In the circumstances, the employer, in my opinion, has

rightly distributed the amount of leave salary, gratuity and group insurance claim between his first wife (petitioner) and the children born to the second wife vide Annexure-1.

3. Let the Provident Fund Commissioner also distribute the provident fund dues, pensionary dues of late Triloki Prasad @ Triloki Nath between his first wife (petitioner) and the children born to the second wife as early as possible, in any case, within one month from the date of receipt/ production of a copy of this order before the Provident Fund Commissioner, failing which he may expose himself of the charge of contempt of the order of this Court.

4. With the direction aforesaid, the writ petition is disposed of.

**(V.N. Sinha, J.)**

Rajesh/-

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