

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15874 of 2012

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Mano Devi W/O Late Kishori Sharma R/O Village/Muhalla- Police Coloney More
Paharpur, P.O.- Anishabad, P.S.- Gardanibag, District- Patna

.... Petitioner/s

Versus

1. The Regional Central Provident Fund Commissioner, Patna, R. Block, Patna-1

2. Bihar State Road Transport Corporation, Patna, through its Chairman

3. The Office Manager, Central Workshop, B.S.R.T.C., Patna

4. The Deputy Chief Account Officer, B.S.R.T.C., Patna

5. Asha Devi (Since Dead)

5 (i.) Sanjeeta Devi

(ii) Renu Devi

(iii) Sanam Kumari

All daughters of deceased Respondent No. 5

5 (iv) Suraj Kumar son of deceased Respondent No. 5, R/O Village/Mohalla- Bihar
State Road Corporation Central Workshop, Fulwarisharif, Patna

6. Annu Kumari D/O Late Kishori Sharma R/O Village/Mohalla- Bihar State Road
Corporation Central Workshop, Fulwarisharif, Patna

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Ajay Kumar Sinha, Advocate

For the Respondent No. 1 : Mr. Jai Prakash Verma, Advocate

For the Respondent BSRTC : Mr. P. K. Verma, Sr. Advocate with
Ms. Jahan Ara, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 11-12-2015

Heard learned counsel for the parties.

The petitioner has claimed payment of Provident Fund in view of her being the second wife of the deceased employee and there being nomination in her favour prior to the nomination made in favour of the respondents no. 5 and 6 who were the first wife and daughter of the late employee respectively.

In view of the fact that the petitioner admits to be the second wife and also that the respondents no. 5 and 6 are the first wife and daughter of the late employee and there being a subsequent nomination in their favour, the Department having paid the amount to the said nominees cannot be faulted. However, it is equally well settled that the nominee receives payment as trustee on behalf of all the persons who may be entitled to a share under the Succession Act and thus even the receipt of the Provident Fund furnished by the respondents no. 5 and 6 can only be said to be in the capacity of trustees for all the heirs who are entitled to payment of their share in proportion to the Rule of Succession. Having said that, the Court is equally conscious of the fact that for such declaration Writ Court is not the proper forum and the party claiming a share in such benefit has to approach the proper forum in accordance with law for such declaration/payment.

In view of the aforesaid, the writ petition stands disposed off with liberty to the petitioner to move in accordance with law for claiming her proportion in the Provident Fund which has been received by the respondents no. 5 and 6, in accordance with law.

(Ahsanuddin Amanullah, J)

Anjani/-

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