

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5455 of 2010

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Vijay Nath Tiwari Son of Late Indradeo Tiwari Resident of Village - Kandi,
P.O - Bithosharif, P.S - Chandauti, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna.
2. The Chairman, Electricity Board, Bihar, Patna.
3. The Chief Engineer, Magadh Range, Gaya, Bihar State Electricity Board, Gaya.
4. The Superintending Engineer, Electricity Board, Gaya (Eastern Circle).
5. The Executive Engineer, Electricity Board, Gaya Division-2, West Gaya.
6. The Assistant Engineer, Electricity , Belaganj, District-Gaya.
7. Smt. Kaushalya Devi Wife of Late Dwariknath Tiwari resident of Village- Kandi, P.O.- Bitho, P.S.- Chandauti, Dist- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

8 06-08-2015

Heard learned counsel for the parties.

The present application has been filed seeking a direction to the respondents for payment of Provident Fund, Life Insurance, Gratuity, Leave Encashment and arrears of salary with interest.

The facts of the case are that the petitioner claims to be the son of the deceased employee Indradeo Tiwari who died on 29.12.2000.

Learned counsel for the petitioner submits that he is the adopted son of the deceased employee and earlier he had moved before the Court in C.W.J.C. No. 6383 of 2001 which was disposed off on 20.09.2005 with a liberty that the



petitioner if so advised may file a proper application/suit for a declaration that he is the legally adopted son and sole heir of late employee Indradeo Tiwari. It is submitted that pursuant thereto, the petitioner filed Title Suit No. 390 of 2008 in which he has been declared to be the adopted son of late Indradeo Tiwari. It is submitted that the respondents should therefore release the dues of late Indradeo Tiwari in favour of the petitioner.

Learned counsel for the respondents submits that as per the records maintained in the department, the deceased employee had twice taken loan on the ground of marriage of his daughters and thus the petitioner does not appear to be the sole claimant to the dues, if any, of the late employee. It is further submitted that this Court had given liberty to the petitioner to seek declaration with regard to him being the legally adopted son and the sole heir of the late employee Indradeo Tiwari but as per the judgment in the suit, there is a declaration only to the effect that he is the adopted son. Learned counsel submits that in that view of the matter, the claim of the petitioner is not maintainable.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, this Court finds substance in the submissions of learned counsel for the respondents and finds that there is no sufficient ground for interference.

Accordingly, the application stands disposed off with liberty to the petitioner to agitate the matter before the appropriate forum in accordance with law.

(Ahsanuddin Amanullah, J.)

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