IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 16034 of 2011

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Archana @ Babli Devi, Wife of Late Rajesh Prasad Gupta, Resident of Village and P.O.- Samsera, P.S.- Bihta, District-Patna. At Present Residing at Mohalla- Karman Tola, P.S.- Nawada Arrah, District- Bhojpur (Arrah).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Bihar, Patna.
2. The Superintending Engineer, Public Health Rupankan and Planning Circle-2, Patna, Bihar.
3. The Executive Engineer, Public Health Rupankan and Planning Circle-2, Patna, Bihar.
4. The District Provident Fund Officer, Patna.
5. The Accountant General, Bihar, Veerchand Patel Marg, Patna.
6. The Treasury Officer, Patna.

.... 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 JUDGMENT

Date: 03-09-2015

Heard learned counsel for the parties.

The petitioner has moved the Court for a direction to the respondents for paying retiral benefits due to her late husband who died in harness on 14.12.2010.

From the pleadings the admitted position is that the petitioner is the second wife of the deceased employee and further that in the writ petition and in various copies of documents annexed, it has been shown that there was only one son from the previous wife though subsequently the petitioner herself has informed the department that there were three sons form the first wife. In that view of the matter, the State authorities have asked the petitioner to bring a succession certificate so that the death-cum-retiral benefits of the late husband of the petitioner can be apportioned and paid to the rightful claimants.

The Court, in view of the suppression of fact by the petitioner in the writ petition and subsequently informing the department with regard to the other claimants to the amount due to the last husband of the petitioner, in the considered opinion of the Court is not entitled to any specific direction for payment of such benefit. The Court also does not find any error in the stand of the respondents insisting for a succession certificate before making any payment to the rightful claimants.

Accordingly, for the reasons aforesaid, the writ petition stands dismissed.

It goes without saying that once the petitioner complies with the requirement of producing succession certificate, the follow-up action by the department would be expeditious and prompt.

(Ahsanuddin Amanullah, J.)

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