

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6064 of 2014

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Indrasan Devi W/O Late Awadh Narayan Singh Resident Of Village -
Aatapur, P.S. + P.O - Ayar, District - Bhojpur (Arrah)

.... Petitioner

Versus

1. The Union Of India Through The Secretary, Ministry Of Coal And Mines
Govt. Of India, New Delhi

2. The Chief General Manager, N.C.L. Jayant Project, Singhrauli, Madhya
Pradesh

3. The Administrative Officer, N.C.L. Jayant Project, Singhrauli, Madhya
Pradesh

4. The Accountant , N.C.L. Jayant Project, Singhrauli, M. Pradesh

.... Respondents

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Appearance :

For the Petitioner/s : Mr. R.C.P.Shanti, Adv.
Mr. Pawan Kumar Singh, Adv.

For the Respondent/s : Mr. Anshuman Singh, CGC

For the respondent 2nd set: Mr. Bidhan Chandra Jha, Adv.

For the intervener : Mr. Ajay Kumar Thakur, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 21-05-2015 Heard learned counsel for the parties as with regard to the
following relief prayed in this writ application:-

"Commanding and directing the Respondents concerned to make payment of Death-cum-Retirement benefit i.e. G.I.C., G.P.F., leave encashment, amount, and gratuity etc. with panel interest to the petitioner who is the wedded, wife of the deceased employee who is died on 01.10.2013, and as yet the aforesaid death-cum-retiral benefit have not been paid to the petitioner without any fault on her part."

There is however a lot of dispute in this case. First dispute is as to whether the petitioner is legally wedded wife of late Awadh Narayan Singh or the intervener Raj Kumari Singh is such

legally wedded wife ?

The second dispute is whether the mother Indrasan Devi (writ petitioner) or another intervener, claiming to be the daughter of Indrasan Devi, namely, Durgawati Kumari could be entitled to her share in the retirement benefit of her father ?

The third and final dispute is as to whether the writ petition would lie before this Court as against a cause of action which at all point of time only at Singrauli in the State of M.P. ?

This Court would not like to go in the third dispute for the present for a simple reason that even if the issue of jurisdiction is decided in favour of the petitioner on account of the order, contained in Annexure 1, enabling her to draw amount of maintenance under the order of the Family Court in the State of Bihar through communication of the employer of the alleged husband of the petitioner, namely, Northern Coal Fields Limited, Jayant Project, Singrauli (M.P.), the question still will be as to who has to be paid such retirement benefit of late Awadh Narayan Singh.

As noted above, there are at least three claimants before this Court and may be there are others as well who have a claim in retirement benefit of late Awadh Narayan Singh. In such a situation this court can not issue a direction for making payment of

such retirement benefit to any person unless the issue is first decided by the competent court having the jurisdiction to decide the issue of succession.

In that view of the matter, this writ application is disposed of with a liberty to any of the legal heir and successor of late Awadh Narayan Singh to firstly file a succession case and obtain succession certificate after impleading Northern Coal Fields Limited as a party to the proceeding. The payment of retirement benefit of late Awadh Narayan Singh shall be made only in favour of the person who is successful to get such succession certificate from the competent civil court.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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