

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10422 of 2014

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Hasina Khatun @ Khanam, wife of Late Tanwir Alam, resident of Residential Staff Quarter of Municipal Corporation, Ara Purani Tanki, Mirgang, District- Bhojpur at Ara

.... Petitioner

Versus

1. The Municipal Corporation, Bhojpur at Ara
2. The Municipal Commissioner, Bhojpur at Ara
3. The Special Officer, Municipal Corporation, Bhojpur at Ara
4. Tamanna Parveen, daughter of Md. Faiz Khan, resident of Village- Mahuari, P.O.- Babhnaur, P.S.- Dawath, District- Rohtas (Bihar)

.... Respondents

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

4 25-11-2016 Heard learned counsel for the petitioner and learned counsel for the Bhojpur Municipal Corporation.

The petitioner claims death-cum-post retiral dues on account of death of her husband, who is stated to have died in harness on 5.8.2012.

Learned counsel for the Bhojpur Municipal Corporation refers to the order dated 15.1.2014, which has been annexed as Annexure-9 to the writ petition, passed in CWJC No.3508 of 2013 filed by one Tamanna Parveen making the same claim with regard to the death-cum-retiral dues with respect to the same employee of the Municipal Corporation and this Court by the said order had directed the respondents to pay the admitted legal retiral dues of the petitioner's husband with interest within three months from the date of receipt/production of copy of that order.

The said order certainly cannot stand in the way of the respondents to ensure payment of death-cum-retiral dues to the competent legal heir/heirs of the deceased employee as provided by law. Since the petitioner has also come up laying her claim to



the death-cum- post retiral dues of the deceased employee, it is the duty of the authorities of the Bhojpur Municipal Corporation to ensure that the death-cum-post retiral dues are paid to the proper legal heir/heirs of the deceased employee as required by law, including any children from the valid and legal marriage and other heirs entitled to the same.

The writ application is, accordingly, disposed of with a direction to the respondent Nos. 1, 2 and 3 to ensure that the death-cum-post retiral dues are paid to the legally entitled heirs of the deceased employee, Tanwir Alam, after hearing the claimants in the matter for which purpose notice should be issued to them to appear before the competent authority of the Corporation along with their evidences in the matter. Let the said decision be taken within a period of two months from the date of receipt/production of a copy of this order and whatever amounts are found due and payable to whichever of the heirs, the same should also be paid within a further period of two months thereafter.

(Ramesh Kumar Datta, J)

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