

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8486 of 2015

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1. Pallavi Singh wife of Dhananjay Singh, daughter of Late Brij Bihari Singh 107, Krishna Paradise, Mayur Vihar, Mathura and daughter of Late Brij Bihari Singh, Electrical Executive Engineer (Rtd.), resident of village - Nawada Ben, Police Station - Udwananagar, District - Bhojpur.

.... Petitioner/s

Versus

1. South Bihar State Power Holding Company Ltd. Through Its Chairman, Vidyut Bhawan, Bailey Road, Patna.
2. The Chairman, South Bihar State Power Holding Company Ltd. Vidyut Bhawan, Bailey Road, Patna.
3. The Chief Managing Director, South Bihar State Power Holding Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
4. The Managing Director, South Bihar State Power Holding Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
5. The General Manager, South Bihar State Power Holding Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
6. Manisha Singh daughter of Late Brij Bihari Singh
7. Asha Singh wife of Late Brij Bihari Singh Both respondents nos. 6 and 7 resident of Roshana Bhawan, C/o Mr. Abhimanyu Singh (Retd. I.A.S.), near Sahitya Sammelan, Kadam Kuan, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 12-05-2016

Heard the counsel for the petitioner and Mr.

Vinay Kirti Singh for the respondent Bihar State Power Holding Company Limited (for short 'the Company').

Petitioner claims herself daughter of the employee who served the Company and retired on 31.01.1998 as Electrical Executive Engineer. The writ petition seeks a direction for the sanction/payment of some of the post retiral dues of the

employee to her which includes leave encashment, entire sum of gratuity as also arrears of pension. Specific prayer has been made that these dues be paid to the three descendants of late Brij Bihari Singh i.e. the widow(mother) and two daughters.

A counter affidavit is filed on behalf of the respondent. Sub-para of para 4 enlists the payments which were sanctioned and paid to the widow of the employee. Mr. Singh states on the basis of the averments made therein that all admissible dues have been paid to the mother of the petitioner who is the widow of the employee. The relief with regard to payment of the dues to the daughters like the petitioner cannot be granted by this Court in this proceeding.

Considering the facts and circumstances evidencing from the record and after hearing the parties, the Court is satisfied that the application is fit to be disposed of as the respondents have sanctioned /paid the admissible dues to the mother of the petitioner. The relief with respect to the payment of the post retiral dues to her instead of widow (mother) cannot be entertained in the present application which has been filed for post retiral dues. However, it is observed that if there is any discrepancy in the payment of the dues, the person legally entitled thereto shall be entitled to make appropriate

representation for consideration . The writ application is disposed
of.

(Kishore Kumar Mandal, J)

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