

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.240 of 2016

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Krishna Rai, Son of Late Bisheshwar Rai, Resident of Mohalla - Chitrakut Nagar,
Nasriganj, P.O. Digha, P.S. Danapur, District - Patna

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Patna
3. The General Manager (I.R.L.) Food Corporation of India, New Delhi
4. The Acting Director (Anchal) Food Corporation of India, Anchal Office (East) Kolkatta
5. The General Manager (Region) Food Corporation of India, Arunachal Building, Exhibition Road, Patna
6. The Manager (Depot) Food Corporation of India/Food Storage Department, Phulwarisharif, District - Patna

.... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Manish Ranjan Kumar, Advocate Mr. Ajay Kumar, Advocate
For the State	:	Mr. S.K. Saraf, AC to GP-18
For the F.C.I	:	Mr. Prabhakar Tekriwal, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 20-05-2016

Heard parties.

Records have been perused. The records reveal that the Form of Nomination filled up admittedly by the deceased employee himself discloses the name of nominee as Krishna Rai, his adopted son.

Learned counsel appearing for the Food Corporation of India submits that there would not be difficulty in payment of C.P.F. amount to the petitioner in view of such nomination form filled up by the deceased employee but so far other post retiral dues are concerned, since admittedly the second wife is alive and she has not filed any

affidavit etc. accepting the petitioner to be a person to receive all the retiral dues, it would be very difficult for the Food Corporation of India to release all the post retiral dues in favour of the petitioner unless a succession certificate is produced by him.

Accordingly, this writ application is being disposed of with a direction to release the admitted C.P.F. amount in favour of the petitioner within a period of one month from the date of receipt/production of a copy of this order.

So far other dues are concerned, either he will have to file no objection certificate granted by the second wife of the deceased employee or succession certificate would have to be obtained by him and filed before the authority concerned. The F.C.I. would be obliged to calculate the amount so that he would be able to file a case for grant of succession certificate for that amount. If no objection is filed on behalf of the second wife then the F.C.I. would be at liberty to verify it and assure that the same has been filed by the second wife and then only a decision for release of other dues would be taken in accordance with law.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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