

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 805 of 2013

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Rama Devi Wife of Late Bhanu Mochi, Resident of Mohalla Kamla Nehru Nagar,
Post- G.P.O., Police Station - Kotwali, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary to the Government, Department of Transport, Patna.
2. The Bihar State Road Transport Corporation through its Administrator, Sultan Place, Birchand Patel Path, Patna.
3. The Administrator, Bihar State Road Transport Corporation, Sultan Place, Birchand Patel Path, Patna.
4. The Deputy Commissioner of Transport, Bihar, Patna.
5. The Chief Accounts Officer, Bihar State Road Transport Corporation, Sultan Place, Birchand Patel Path, Patna.
6. The Chief Vigilance Officer, Bihar State Road Transport Corporation, Sultan Place, Birchand Patel Path, Patna.
7. The Deputy Chief Accounts Officer, Bihar State Road Transport Corporation, Sultan Place, Birchand Patel Path, Patna.
8. The Divisional Manager, Bihar State Road Transport Corporation, Sultan Place, Birchand Patel Path, Patna.
9. Manoj Ram @ Manoj Kumar Son of Mahendra Ram Resident of Mohalla Kamla Nehru Nagar, P.O.-G.P.O., Police Station - Kotwali, District – Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeeva Roy, Advocate.
For the B.S.R.T.C.	:	Mr. Prabhat Kumar Verma, Sr. Advocate.
		Ms. Jahan Ara, Advocate.
For the Respondent No. 9	:	Mr. Raju Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 29-03-2016

Heard learned counsel for the parties.

The controversy involved in the present case is with regard to payment of post retiral benefits of late Bhanu Mochi, who the petitioner claims was her husband whereas the respondent no. 9 claims to be his father.

Learned counsel for the petitioner submits that she is the second wife of late Bhanu Mochi and the first wife is



already dead. It is also accepted that the respondent no. 9 is the son from the first wife. Learned counsel submits that without going into the merits of the case, the petitioner and the respondent no. 9 have arrived at a settlement by which remaining 60% of the benefits shall be paid to the petitioner while rest 40% to the respondent no. 9. It is submitted that the petitioner has children whereas respondent no. 9 is the sole son from the first wife.

Learned counsel for the State and the Bihar State Road Transport Corporation (hereinafter referred to as the 'Corporation') submit that the remaining dues of late Bhanu Mochi are payable, however, the Court may safeguard the interest of the Corporation with regard to payment being made to the rightful claimants.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the writ petition stands disposed off with a direction to the petitioner and respondent no. 9 to appear before respondent no. 5 within two weeks from today along with a copy of this order and file a representation stating the terms of the compromise arrived at between them for payment to be made. They shall also submit the family certificate issued by the local Circle Officer with regard to persons/legal heirs of late Bhanu Mochi. Upon the same being done, the respondent no. 5 shall ensure that payment of remaining admitted dues of late Bhanu Mochi are

paid to the claimants in the proportion in terms of the compromise within four weeks thereafter. The petitioner and the respondent no. 9 shall also submit an indemnity bond that in case in future any controversy arises or the Corporation is made to pay any amount to any other person under any order of any Court of law, the same shall be recoverable from them.

(Ahsanuddin Amanullah, J.)

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