

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1976 of 2013

In

Civil Writ Jurisdiction Case No. 16943 of 2012

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Smt. Hemanti Devi W/O Ram Nandan Das, Resident of Village- Kopa, P.S-
Dulhin Bazaar, District- Patna.

.... Petitioner

Versus

1. The State of Bihar
2. Mr. Afjal Emam, the Chairman, Patna Municipal Corporation, Patna.
3. Mr. Shashank Sinha, the Executive Officer, Patna Municipal Corporation, Patna.
4. Mr. Adesh Chitranare, the Circle Officer, Dulhin Bazar, Patna.
5. Mr. Jay Singh, the Commissioner, Patna Municipal Corporation, Muryalok Complex, Patna-1

.... Opp. Parties

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Appearance :

For the Petitioner/s : Mr. Arvind Kr. Mauar, Advocate
For the State : Mr. Binay Kr. Pandey, AC to G.A. 3
For P.M.C. : Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

6 18-05-2016 Heard learned counsel for the petitioner and learned
counsels for the State and for the Patna Municipal Corporation.

A show cause is filed on behalf of the present Municipal
Commissioner, Patna Municipal Corporation in which it is stated
that while steps were being taken for compliance of the order of
this Court it was found that the claim has been made by Most.
Hemanti Devi, whereas another claim was put forward by one
Smt. Ranju Devi, who claims to be the daughter of the first wife.
In view of the said dispute the opposite parties have referred them
to get succession certificate from a competent court.

In my view, the aforesaid stand of the opposite party is not justified as the law is well settled on the point that it is for the authority which is granting death-cum-post retiral dues of an employee to look into the matter in the first place and adjudicate any dispute between the claimants to the said dues and only thereafter the aggrieved party may move the appropriate forum for the redressal of his/her grievance.

In the above circumstances, the contempt application is disposed of with the direction that the opposite party of the Patna Municipal Corporation shall decide the respective claims of the alleged heirs of the deceased employee within a period of three months from today after hearing the parties and perusing the evidence produced, if any, in support of their claim, by a reasoned order.

(Ramesh Kumar Datta, J)

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