

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1585 of 2014

IN

Civil Writ Jurisdiction Case No. 2771 of 2008

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Ati Razia Devi W/o Late Ram Singhasan Ram @ Ram Sigasan Ram
resident of village - Rehia, P.O. Sowan, P.S. Krishna Brahm, District –
Buxar

.... Appellant

Versus

1. The State of Bihar through Secretary, Human Resources Development Department, Primary Education, New Secretariat, Govt. of Bihar, Patna
2. The District Magistrate, Buxar
3. The District Education Officer, Buxar
4. The Accountant General, Bihar, Patna

.... Respondents

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 11-01-2016

The appellant is the unsuccessful writ petitioner who claims to be the first wife of Late Ram Singhasan Ram @ Ram Sigasan Ram. The dispute is with regard to liability of the State to pay family pension. She claims that being the first lawful wedded wife of the said late employee, she is entitled to receive family pension. State, on the other hand, submits that as per nomination in the service book of the late employee, the fact which is not denied by the appellant,



the nominee was Sahodari Devi, the alleged second wife of the late employee. The stand of the State is that, in terms of the nomination as made by the employee, State was bound to pay the nominee, if no one disputes the right, title and interest of the nominee for payment. It was for him/her to move appropriate court for appropriate directions, but, so long as the nominee stood as such, State was bound to pay the nominee.

Having considered the matter, in our view, the stand of the State and the learned Single Judge is correct. The very purpose of the nomination is to enable the State to meet its obligations and get a valid discharge in respect thereof. Once, the employee had nominated the other lady to receive the family pension, the State discharges its obligation lawfully by paying that lady i.e. the nominee. Now, if the appellant disputes this fact and claims to be the first lawfully wedded wife, and thus, in civil law, entitled to the family pension, then, it is for her to establish her right, title and interest in this regard in a court of competent jurisdiction and get an order to override the nomination made by the person/employee concerned. The nominee, in matters where the status and the right is disputed, is merely

a trustee for the rightful owner thereof, but, of course, subject to the right of nominee to receive and give a valid discharge. Nomination by itself, it is well settled, does not make the person the owner or the rightful recipient of the property, but holds it in trust for rightful and lawful recipient or person entitled therein. Thus, it is open for the appellant to go before a court of competent jurisdiction and establish her right, contrary to the nomination, and get judgment and order, in accordance thereof. It is only then that the State would be in a position to change and depart from the nomination.

In view of the above liberty, we find no merit in this appeal. This appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajeev/A.F.R.

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