

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16599 of 2013

Sushila Devi, Wife of Late Ram Bilas Sao, resident of Village and P.O. and P.S.-
Akilpur, District- Saran at Chapra

.... Petitioner.

Versus

1. The Union of India through Ministry, Food and Civil Supplies, Govt. of India, New Delhi
2. Zonal Manager, Food Corporation of India, Patna Office at Exhibition Road, Patna
3. Regional Manager, Food Corporation of India, Office at Gulab Bagh, Purnea
4. The Area Manager, Katihar, Food Corporation of India, Katihar, Office at Station Road, Katihar
5. Accounts Officer, Food Corporation of India, Office Situated at Khad Bhandar, Digha Ghat, Patna-11
6. Sushila Devi, W/O Late Ram Bilash Sao, R/O Vill.- Moruttganj, Gareri Tola, P.O.- Katihar, Dist- Katihar
7. The Superintendent of Police, Katihar

.... Respondents

Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra, Advocate

For the Respondent/s : Mrs. Kanak Verma, C.G.C.

For the State : Mrs. Shalini Raut, AC to GA-1

For the F.C.I. : Mr. Prabhakar Tekriwal, Advocate

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 10-05-2016

Heard learned counsel for the petitioner and the respondents.

2. The petitioner claims to be the wife of Late Ram Bilas Sao, who initially joined the Food Corporation of India, on 01.01.1989, as casual labour. On 06.03.2002, he was transferred to Katihar, where he continued to work on the same post. He died on 27.04.2013. Thereafter the petitioner filed a representation along with copy of the death certificate dated 30.04.2013 of Ram Bilas Sao for

retrial benefits. In the aforesaid certificate it is stated that Ram Bilas Sao died at Akhilpur within Patna district.

3. Two counter affidavits have been filed on behalf of the respondents. They submit that in fact another woman claiming to be the Sushila Devi, wife of late Ram Bilas Sao, has filed representation for retrial benefits. The respondents submit that she was also given benefit fund amounting to Rs.30,000/- for expenditure of last rites of Ram Bilash Sao. The respondents submit that Ram Bilas Sao died, while he was posted at Katihar and as per the Medical Identity Card, he died leaving behind his wife Smt. Sushila Devi, son Subham Kumar and two daughters Suman Kumari and Gudia Kumari. The other Sushila Devi is resident of Katihar, whereas the present Sushila Devi (petitioner) is resident of Saran District and both are claiming to be the wife of Ram Bilas Sao. Earlier, a death certificate was also submitted by Sushila Devi, resident of Katihar, which was issued from Katihar Municipal Corporation. The Sushila Devi resident of Katihar makes regular signature, whereas the present writ petitioner uses thumb impression. It is further stated in para 9 of the counter affidavit that Sushila Devi, who is resident of Katihar has filed photo copies of ration card, election commission identity card, admit cards of her daughters Guriya Kumari and Suman Kumari as well as the admit card of her son Subham Kumar and all these documents show

that she is actual claimant of the retrial benefits of the deceased Ram Bilas Sao. Photo copies of the aforesaid documents of Sushila Devi resident of Katihar are annexed as Annexure- D, E, F, G, and H to the counter affidavit.

4. The claim of the petitioner that the other Susuila Devi, in fact is Sahidan Khatoon, is not established in the enquiry conducted at the behest of Superintendent of Police, Katihar. In this view of the matter, no relief can be granted to the petitioner, till she obtains Succession Certificate, wherein the other Sushila Devi resident of Katihar and the children are made party respondents. The instant observations would not come in the way of the respondents in granting part of the retrial benefits to the admitted son and daughters of late Ram Bilas Sao.

5. This application stands disposed of.

(Samarendra Pratap Singh, J.)

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