

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.72 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 11189 of 2015**

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Pankaj Kumar Verma, son of Prabhakar Prasad Verma, resident of Mohalla- Azad Road Chandwara, P.S.- Chandwara, District- Muzaffarpur

.... Petitioner/Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Old Secretariat, Finance Department (Audit), Bihar, Patna
3. The District Provident Fund Officer, Muzaffarpur
4. The District Provident Fund Officer, Panth Bhawn, Patna
5. The District Provident Fund Officer, Saran (Chapra)
6. The Accountant General, Bihar, Patna
7. Deputy Accountant Controller, Bihar, Patna

.... Respondents/Respondent/s

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Appearance :

For the Appellant/s : Mr. Arvind Kumar, Advocate
Mr. Yugal Kishore, Advocate
For the Respondent/s : Mr. Ajay Behari Sinha, GA-8
Mr. Suryakant Kumar, AC to GA-8

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

ORAL JUDGMENT

**(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 22-12-2016**

Heard learned counsel for the parties.

2. The order dated 1st of December, 2015 passed by the learned Single Bench in C.W.J.C. No.11189 of 2015 (Pankaj Kumar Verma Vs. The State of Bihar & Ors.) is the subject-matter of challenge in the present Letters Patent Appeal. By the order impugned, the learned Single Bench disposed of the writ application filed by the appellant claiming payment of retiral dues of the



deceased Govind Prasad Verma on the basis of his being a nominee as a Nephew. It has been recorded on the basis of the counter affidavit filed that there is no document available in the office to show relationship of the appellant with the deceased employee and that no record of nomination is available in the record of the Department. Therefore, the liberty has been given to the appellant to seek succession certificate from the court of competent jurisdiction.

3. We do not find any error in the order passed by the learned Single Bench. The appellant claims to be Nephew and a nominee of the deceased, but in the absence of record of nomination with the Department, we do not find that any direction can be given to the Department to make payment to the appellant.

4. Consequently, we do not find any merit in the present Letters Patent Appeal. The same is accordingly dismissed.

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
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