

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16304 of 2017

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Muskan Kumari Daughter of Late Sardar Bablu Kumar @ Bablu Thakur under the guardianship of Prabhawati Devi, Wife of Late Ram Pratap Thakur Resident of Balbant Tola, Dost Nagar, Post - Sherpur, P.S. - Maner, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Rohtas at Sasaram, Bihar.
4. The Superintendent of Police, Rohtas at Sasaram, Bihar.
5. The S.H.O. Bikramganj Police Station, Dehri-on-Sone, District - Rohtas, Sasaram.
6. Smt. Soni Devi Wife of Late Sardar Bablu Kumar @ Bablu Thakur Resident of Balbant Tola, Dost Nagar, Post - Sherpur, P.S. - Maner, District - Patna. at present resident of Nariyal Ghat, Takiyapar, P.S. Danapur Kant, District - Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s :
For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 08-12-2017 Heard learned counsel for the petitioner; State and respondent no. 6.

2. The petitioner, who is the minor daughter of late Sardar Bablu Kumar @ Bablu Thakur, has moved the Court claiming share in the death-cum-retiral benefits of her late father, who died in harness on 27.08.2017.

3. The mother of the petitioner was married to the deceased employee in the year 1998 but unfortunately died in the year 2002 and the petitioner was born in the year 2001. Thereafter,



in the year 2003, the deceased employee married the respondent no. 6 from whom there are three sons.

4. Counter affidavit has been filed on behalf of respondent no. 6. From the pleadings, it appears that nobody has been paid any death-cum-retiral benefits.

5. In the counter affidavit filed on behalf of respondent no. 6, the stand taken being at paragraphs no. 3 to 5 are quoted hereinbelow:

“3. That under the advice of well wishers and common relatives and after having good and amicable negotiations with the petitioner I do agree to pay the entire gratuity amount to the petitioner, which is still to be paid by the Government.

4. That it is humbly submitted that I am ready to take care of the petitioner as a guardian and will also take care of her study as well as marriage so that she will be able to settle her life firmly.

5. That it is humbly submitted that the state respondent may kindly be directed to pay the gratuity amount in favour of the petitioner under the guardianship of her Grand Mother and other retiral dues in my favour within a specific period as your lordships may deem fit and proper.”

6. In view of the stand taken in the counter affidavit



filed by the respondent no. 6 to which learned counsel for the petitioner has agreed, the writ petition stands disposed off with a direction to the respondents no. 3 and 4 to ensure that the gratuity amount of the deceased Sardar Bablu Kumar @ Bablu Thakur is paid in favour of the petitioner, which shall be kept in a fixed deposit in a Nationalized Bank under the Guardianship of her paternal grand mother Prabhawati Devi, who is also the deponent and has affirmed the affidavit in the present case, till the petitioner attains majority and thereafter, the corpus shall be re-invested, as per the desire of the petitioner, for a further period of at least three more years. Further, as has been agreed by the respondent no. 6, she shall take care of the petitioner and her studies as well as marriage.

7. The modalities of such arrangement shall be worked out between the paternal grand mother of the petitioner and the respondent no. 6. The order be complied with within one month from the date of production of a copy of this order before the respondents no. 3 and 4.

(Ahsanuddin Amanullah, J)

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