

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.452 of 2014

In
Civil Writ Jurisdiction Case No.13828 of 2012

-
1. The State of Bihar through the Principal Secretary, General Administration Department, Government of Bihar, Patna
 2. Secretary, Department of Social Welfare Government of Bihar, Secretariat, Patna
 3. District Social Welfare Officer, Hajipur, District Vaishali
 4. Director, Provident Fund, Bihar, Patna
 5. District Provident Fund Officer, Hajipur, null District Vaishali

... .. Appellant/s

Versus

1. Divya Prakash D/O Late Prakash Kumar Gupta, C/O Smt. Rita Gupa, In The House Of Sri K.D. Prasad, Road No. 3, Hawaii Nagar, Birsa Chowk, Ranchi
2. Accountant General, Bihar And Jharkhand Beer Chand Patel Path, Bihar, Patna
3. Smt. Sushma Kumari @ Sushma Gupta W/O Late Prasad Kumar Gupata R/O Golu Annaj Bhandar Cum Kirana Store, Shyam Bazar, Rajeev Nagar, Near Vishal Bhawan, Patna- 24
4. Priyanka Twinkal D/O Prakash Kr. Gupta, Under Guardianship Of Sushma Gupta @ Sushma Kumari, Residing At Golu Annaj Bhandar Cum Kirana Store, Syam Bazar, Rajeev Nagar, Near Vishal Bhawan, Patna- 800024
5. Sidhi Vinayak S/O Prakash Kr. Gupta Under Guardianship Of Sushma Gupta @ Sushma Kumari, Residing At Golu Annaj Bhandar Cum Kirana Store, Syam Bazar, Rajeev Nagar, Near Vishal Bhawan, Patna- 800024
6. Sushri Durga D/O Prakash Kr. Gupta, Under Guardianship Of Sushma Gupta @ Sushma Kumari Residing At Golu Annaj Bhandar Cum Kirana Store, Syam Bazar, Rajeev Nagar, Near Vishal Bhawan, Patna- 800024

... .. Respondent/s

with

Letters Patent Appeal No. 391 of 2014

In
Civil Writ Jurisdiction Case No.18042 of 2012

-
1. The State Of Bihar Through The Chief Secretary, Government Of Bihar, Old Secretariat, Patna, Bihar
 2. The Secretary, Department Of Sc And St Welfare Government Of Bihar, Patna
 3. The Director, Department Of Sc And St Welfare Government Of Bihar, Patna
 4. The District Magistrate, Vaishali, Hajipur
 5. The District Welfare Officer, Vaishali, Hajipur

... .. Appellant/s

Versus

1. Sushma Kumari @ Sushma Gupta W/O Late Prakash Kumar Gupta R/O Village - Gangachak Bazar, P.O. Gangachak, P.S. Masaurhi, District - Patna



2. The Accountant General, Bihar, Beerchand Patel, Patna.
3. Divya Prakash D/O Late Prakash Kumar Gupta And Smt. Rita Gupta C/O Smt. Rita Gupta, In The House Of Sri K.D. Prasad, Hawaii Nagar, Road No.3, Jagarnathpuri, Ranchi (Jharkhand) Pin - 834003

... .. Respondent/s

=====

with
Letters Patent Appeal No. 392 of 2014
In
Civil Writ Jurisdiction Case No.19985 of 2012

=====

1. The State Of Bihar Through The Chief Secretary, Government Of Bihar, Old Secretariat, Patna, Bihar
2. The Secretary, Department Of Sc And St Welfare Government Of Bihar, Secretariat, Patna
3. The Director, Department Of Sc And St Welfare Government Of Bihar, Patna Null Null
4. The Director, General Provident Fund (Department Of Finance), Bihar, Patna Null Null
5. The District Magistrate, Vaishali, Hajipur
6. The District Welfare Officer, Vaishali, Hajipur
7. The District Provident Fund Officer, Vaishali, Hajipur

... .. Appellant/s

Versus

1. Sushma Kumari @ Sushma Gupta W/O Late Prakash Kumar Gupta R/O Village - Gangachak Bazar, P.O. Gangachak, P.S. Masaurhi, District - Patna
2. The Accountant General, Bihar, Beerchand Patel Path, Patna
3. Divya Prakash D/O Late Prakash Kumar Gupta C/O Smt. Rita Gupta, In The House Of Sri K.D. Prasad, Hawaii Nagar, Road No.3, Jagarnathpuri, Ranchi (Jharkhand) Pin - 834003

... .. Respondent/s

=====

Appearance :

(In Letters Patent Appeal No. 452 of 2014)

For the Appellant/s	:	Mrs. Binita Singh SC-28 Mr. Nishant Kumar Jha AC to SC-28
For the Respondent Nos. 4-6:		Mr. Kumar Brijnandan Advocate Mr. Tarees Hameed Advocate
For the Accountant General :		Mr. Raghwanand Advocate
For the Intervenor	:	Mr. Naresh Chandra Verma Advocate Mr. Ram Kumar Singh Advocate

(In Letters Patent Appeal No. 391 of 2014)

For the Appellant/s : Mrs. Binita Singh



SC-28
Mr. Nishant Kumar Jha
AC to SC-28
For the Respondent Nos. 4-6: Mr. Kumar Brijnandan
Advocate
Mr. Tarees Hameed
Advocate
For the Accountant General : Mr. Raghwanand
Advocate
For the Intervenor : Mr. Naresh Chandra Verma
Advocate
Mr. Ram Kumar Singh
Advocate
(In Letters Patent Appeal No. 392 of 2014)
For the Appellant/s : Mrs. Binita Singh
SC-28
Mr. Nishant Kumar Jha
AC to SC-28
For the Respondent Nos. 4-6: Mr. Kumar Brijnandan
Advocate
Mr. Tarees Hameed
Advocate
For the Accountant General : Mr. Raghwanand
Advocate
For the Intervenor : Mr. Naresh Chandra Verma
Advocate
Mr. Ram Kumar Singh
Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 31-10-2017

Heard learned counsels for the parties.

Since the State has already implemented the direction issued by the Hon'ble Single Judge, dated 23.08.2013 and made settlements in favour of the beneficiaries, as family pension and gratuity stands paid, the State is absolved of its responsibility for any further payments on the two heads to any claimant in satisfaction of any decree or declaration by any court of law, so far as they are concerned.



If the beneficiaries of the payments are there and who have received such benefits as a fall out of the settlement made by the State Government to the legal heirs or the second wife, whatever steps are required to be taken by the Intervenor in this case for satisfaction of a decree, can be done by impleadment of such persons as parties in the said proceeding. The State in no way is going to be taxed a second time over in the matter.

Appeal stands disposed off with observation / direction as above.

The left over payments if any are issues for the State and beneficiaries to sort out, if the payments under left over heads have not been carried out.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	02.11.2017
Transmission Date	

