

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1723 of 2016

In

Civil Writ Jurisdiction Case No.5256 of 2016

-
1. Suchitra Kumari, Wife of Late Akhilesh Prasad
 2. Shruti Kumari (Minor) D/o Late Akhilesh Prasad, under the guardianship of her natural guardian and mother namely Suchitra Kumari, W/o Late Akhilesh Prasad, Both residents of Mohalla - Mahesh Nagar, Road No. 4, P.S. Patliputra Colony, District Patna

... .. Appellant/s

Versus

1. The Bihar State Power (Holding) Company Limited through its Chairman Cum Managing Director, Vidyut Bhawan, Bailey Road, Patna
2. The Chairman Cum Managing Director, Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna
3. The General Manager (HR & Administration), Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna
4. The General Manager (Finance), Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna
5. The Accountant General, Bihar, Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. J. Singh, Advocate

For the Respondent/s : Mr. Ranjit Sinha, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-12-2017



Delay of 71 days in filing of this appeal is condoned. I.A. No. 8570 of 2016 stands allowed and disposed of.

Seeking exception to an order passed by the learned Writ Court on 16.05.2016 in C.W.J.C. No. 5256 of 2016 in the matter of settling the pensionary claims of the appellants, this appeal has been filed under Clause 10 of the Letters Patent.

Appellant and another lady claimed to be wife of the deceased employee late Akhilesh Prasad with children and when the dispute came before the learned Writ Court, the Bihar State Power (Holding) Company Ltd., the employer, argued that there were two rival claimants. The question of marriage is in dispute and even the question that who is the legal heir has to be adjudicated. Finding in the records that the name of the present appellant Suchitra Kumari shown as the wife, the company has settled 50% of the claim in her name i.e. she has been paid 50% of the pension and gratuity and all other post retiral benefits and for the remaining 50% parties have been directed to obtain necessary declaration from the Civil Court.

The learned Writ Court taking note of the aforesaid in the facts of the case refused to exercise its extraordinary jurisdiction under Article 226 of the Constitution and we see no



error in the same warranting reconsideration.

The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	20.12.2017
Transmission Date	

