

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4633 of 2016

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Santosh Kumar Son of late Tarkeshwar Pandey Resident of Village and Post
Office- Baikatpur , Police station Khusrupur, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources
Development Department Govt. of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. District Education Officer, Patna District Patna
4. District Programme Officer(Estb) Patna District Patna
5. Head Master-cum-Drawing Disbursing Officer, Middle School Baikatpur
Khusrupur District Patna.
6. The Accountant General (A & E), Bihar, Patna
7. Treasury Officer, Sub Treasury , Patna City, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar Sharma, Advocate
For the State	:	Mr. Vijay Kumar Verma, AC to GA 2
For the Respondent No. 6	:	Mr. Anjani Kumar Sharan, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 09-11-2017

Heard Learned counsel for the petitioner; State and
Accountant General.

2. The petitioner has moved the Court for the following
relief:

*“ That, the instant writ application is for issuance
of an appropriate writ/order/direction to the
respondents to pay the pension amount w.e.f.
01.11.2013 to 18.03.2014 and gratuity of Rs.
6,64,430.00 of late Tarkeshwar Pandey to the
petitioner and other retiral cum death benefit of
his father to petitioner with interest and cost
thereon.”*

3. In essence, the claim revolves around payment of



gratuity of Rs. 6,64,430/-.

4. The admitted position is that the petitioner is the son of late Tarkeshwar Pandey, from the first wife, and after death of his mother, his father had married another lady and when the father also died in the year 2014, she has gone back to the State of West Bengal and, as per the stand taken by learned counsel for the petitioner, she has remarried.

5. In view of the aforesaid, the stand of the authorities that the payment of gratuity cannot be made to the petitioner unless all the claimants come and there is agreement or a competent court gives succession certificate defining the share of each of the heirs.

6. Thus, the Writ Court cannot go into all those aspects moreso, when admittedly there is another brother of the petitioner and a legally wedded wife (now widow) of his late father, the matter has to be sorted out either among themselves or by getting a succession certificate from the Civil Court of competent jurisdiction.

7. The writ petition stands disposed off with the liberty to the petitioner to avail of his remedy under the common law and/or the competent authority.

(Ahsanuddin Amanullah, J)

Anjani/-

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