

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13219 of 2014

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Md. Nasim Ahmad son of Late Jakki Imam. permanent resident of Mohalla-Pagamberpur, P.O. -Bakhtiyarpur, Police Station- Khusrupur and presently residing at Chhagu Sah Kamal, Police Station- Bihar Sharif, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Home Department, Government of Bihar, Patna.
2. Director General of Police, Government of Bihar, Patna.
3. The Accountant General, Bihar Birchand Patel Path, Patna
4. Inspector General of Police, Bhagalpur.
5. Sr. Superintendent of Police, Bhagalpur.
6. Officer-in-Charge, Scheduled Castes and Schedule Tribes, Police Station- Bhagalpur
7. Dy. Superintendent of Police, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Advocate

For the Respondent/s : Mr. Madhukar Mishra, A.C. to S.C.-16

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 27-03-2017

The petitioner Md. Nasim Ahmad has filed this writ application for a direction to make payment of death-cum-retiral dues of his father Jakki Imam, who died in harness.

2. The contention of the petitioner is that his father, a Sub Inspector of Police in Bhagalpur District, died on 31st May, 2012 and since then his death-cum-retiral dues have not been paid.

3. On the other hand, learned counsel for the State submitted that in course of enquiry it was revealed that the first wife of the deceased employee Jakki Imam, namely, Asma Khatoon died



on 24.09.2002 and, thereafter, he married another lady namely, Shabana Khatoon. He submitted that the petitioner has four younger brothers, who all are adult, namely, Md. Fahim Ahmad, Md. Neyaz Ahmad, Md. Safi Alam and Md. Perwez Heyat. He submitted that the petitioner was informed to appear in person and submit proper documents to establish his claim before the Senior Superintendent of Police, Bhagalpur, but till date he did not turn up.

4. Per contra, the learned counsel for the petitioner submitted that the petitioner visited the office of the Senior Superintendent of Police, Bhagalpur on several occasions, but the official concerned did not allow him to meet the Senior Superintendent of Police. He submitted that so far as the second wife of the deceased employee, namely, Shabana Khatoon is concerned, her whereabouts is unknown.

5. I have heard learned counsel for the parties.

6. In view of the facts noted above, I am of the opinion that it is not a fit case for issuance of mandamus in favour of the petitioner. The petitioner has not denied the factum of second marriage of his father after the death of his first wife. Moreover, she has not been impleaded as a respondent in this case. The other brothers of the petitioner have also not joined the petitioner in the present writ application. Under the circumstance, I am of the view that



either the petitioner should satisfy the respondents regarding his claim of entitlement to receive death-cum-retiral benefit of his father or he may appear the civil court of competent jurisdiction for succession certificate.

7. With the aforesaid observations, the writ application is disposed of.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
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