

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8571 of 2015

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Smt. Jyoti Kumari Wife of Late Prem Prasad Singh (Typist Design Division No.1, Department of Water Resources, Bhagalpur) and Daughter of Sri Ram Sewak Prasad Singh Resident of Mohalla - Vikramshila Nagar, Indumati Path, P.S. Kahalgaon, District - Bhagalpur

..... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Water Resources, Sichai Bhawan, Old Secretariat Compound, Bihar, Patna
2. The Chief Engineer, Department of Water Resources, Barari, Bhagalpur
3. The Superintending Engineer, Design Circle, Department of Water Resources, Bhagalpur
4. The Executive Engineer, Design Division No. 1, Department of Water Resources, Bhagalpur

..... Respondents

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Appearance :

For the Petitioner/s : Mr. Kalika Nand Jha, Advocate
For the Respondent/s : Mr. Shiv Kumar, AC to GA-3

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 22-05-2017

This application has been filed by the petitioner seeking direction to the respondents to pay death-cum-retiral benefits of her deceased husband, namely, late Prem Prasad Singh who was posted as Typist in Design Division No.-1, Bhagalpur.

2. It is contended by the learned counsel for the petitioner that husband of the petitioner, late Prem Prasad Singh was appointed on 16.03.1988 against the post of Typist on



compassionate ground and was posted in Irrigation Division No. 1, Laxmipur (Munger). It is stated that on 31.07.2009, the husband of the petitioner was murdered by some anti-social elements and, thereafter, she submitted a representation before the Executive Engineer, Design Division No. 1, Bhagalpur requesting for payment of death-cum-retirement benefit of her deceased husband. However, the retirement benefits have not been paid to her so far.

3. On the other hand, learned counsel for the State submitted that on receipt of the petitioner's representation, the Executive Engineer, Design Division No. 1, Bhagalpur directed the petitioner vide letter no. 268 dated 03.05.2010 to submit death certificate, succession certificate and other required documents in support of her claim as the deceased employee had not nominated her as nominee in the official records. He contended that the petitioner submitted death certificate and other documents on 22.07.2010, but did not submit succession certificate and, as such, once again she was requested vide letter no. 45 dated 22.01.2011 to submit succession certificate issued by the competent court in order to accede to her request for grant of retiral benefits. He contended that several reminders were also sent to the petitioner, but she has not furnished succession certificate in order to establish her claim to receive retiral benefits. He contended that on inquiry, the



respondents came to know that the petitioner is facing prosecution in the case of murder of the deceased employee Prem Prasad Singh and in the said case she was also sent to jail and was later on released on bail.

4. Having appreciated the rival arguments, the prayer made by the petitioner in the present application cannot be allowed in view of the fact that the petitioner has not been mentioned as wife in any official document of the deceased employee and she has also not produced succession certificate issued by a court of competent jurisdiction in order to establish her claim that she is the wife of the deceased and is entitled to receive the death-cum-retiral dues of late Prem Prasad Singh.

5. Accordingly, the writ application is dismissed.

6. However, this order will not preclude the petitioner from raising her claim before the departmental authorities after obtaining succession certificate from the court of competent jurisdiction.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
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