

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1370 of 2017

IN

Civil Writ Jurisdiction Case No. 7671 of 2008

- =====
1. Tanveer Sahab, aged about 40 years
 2. Muneer Sahab, aged about 38 years
Both Sons of late Sabir Ali
 3. Afsan Jamal, aged about 33 years
 4. Shirin Jamal, aged about 30 years
Both are married D/o late Sabir Ali
 5. Dansih Ali, aged about 18 years
 6. Aamir Ali, aged about 27 years
Both are Sons of late Sabir Ali
 7. Nargis Jamal, aged about 25 years
 8. Taskeen Farah, married aged about 28 years
Both are D/o late Sabir Ali

.... Petitioner/s

Versus

1. The State of Bihar through Mr. Anjani Kumar Singh, the Chief Secretary, Govt. of Bihar, Patna.
2. Mr. Amrit Lal Mina, Secretary-cum-Commissioner, Road Construction Department, Bihar, Patna.
3. Mr. Rajnish Kumar, the Deputy Secretary-cum-Chief Vigilance Officer, Road Construction Department, Bihar, Patna.
4. Mr. Chandra Shekhar, the Special Officer-cum-Deputy Secretary, Road Construction Department, Bihar, Patna.
5. Mr. Laxmi Narayan Das, Engineer-in-Chief -cum- Additional Commissioner-cum- Special Secretary, Road Construction Department, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Nath Pathak, Adv.

For the Respondent/s : Mr. Rajballabh Prasad Yadav, AAG-11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 28-03-2018

Heard the parties.

The deceased Government servant had questioned his punishment order in CWJC No.7671 of 2008. The writ petition was allowed vide judgment and order passed on 3.10.2016. The order of penalty was quashed and the petitioner was found entitled to his



consequential benefits. The petitioner had in the meanwhile already superannuated in the year 2009.

On non-compliance of the judgment and order of the writ Court that this contempt application was filed but during the pendency of this application the writ petitioner died and has been substituted by 8 legal heirs who are his sons/daughters from two marriages. Mr. Prabhu Nath Pathak, learned counsel appearing for the petitioners informs that the wives of the deceased Government servant, have already expired.

It is in course of compliance that a difficulty was expressed by the respondents as to the manner of distribution of benefits that accrued to the deceased Government servant and it is in compliance of the order of this Court that today a supplementary show cause is filed on behalf of opposite party nos.2 to 5 in which it is stated that although the deceased Government servant was entitled to (a) refund of Rs.1,05,000/- which was recovered from his gratuity; (b) a sum of Rs.90,000/- which also was recovered from his salary and (c) the amount of salary for the suspension period less the subsistence allowance drawn by him and the same would be paid to his legal heirs but the problem faced by the respondents is that the nominee form includes only 3 of the 8 petitioners herein. It is in these circumstances that the respondents have requested the petitioners to present a succession certificate so that the amount could be distributed amongst them.

In my opinion, instead of relegating these petitioners to rigors of another long drawn legal process to obtain a succession certificate, let



the 8 petitioners herein, who claim to be the sons/daughters of the deceased Government servant, approach the opposite party no.3, the Deputy Secretary –cum- Chief Vigilance Officer, Road Construction Department, Bihar, Patna together with the supportive documents of being legal heirs of the deceased Government servant as well file affidavit to the effect that there are no other legal heirs of the deceased Government servant together with an indemnity bond of re-compensating any such claim arising in future.

It goes without saying that if the petitioners approach the opposite party no.3, the Deputy Secretary –cum- Chief Vigilance Officer, Road Construction Department, Bihar, Patna together with the documents aforementioned he would take steps to distribute the entire claim of the deceased Government servant equally amongst them and which exercise to be completed within a period of 3 months from the date of presentation of such documents.

With the observation above, this contempt proceeding is dropped and the contempt application is disposed of.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31-03-2018
Transmission Date	NA

