IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1111 of 2018

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Sangita Devi Wife of Sri Vinod Sahni Resident of Village - Lal Begiya Chiraiya, P.O. - Misravaliya, P.S. - Chiraiya, District - East Champaran.

... ... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Home Government of Bihar, Patna.
2. The Inspector General (Prison), Govt. of Bihar, Patna.
3. The District Magistrate, Vaishali at Hajipur.
4. The Superintendent, Mandal Kara, Hajipur, Vaishali.
5. The Accountant General , Birchand Patel Road, Patna.
6. The Treasury Officer, Hajipur, District - Vaishali.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umeshanand Pandit, Adv.
For the State		Mr. Ajay Kumar, A.C. to G.P.4
For the A.G.	:	Mr. Manish Kumar, Adv.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 12-12-2018 Heard learned counsel for the petitioner, learned cousnel for the State and learned counsel appearing on behalf of the Accountant General, Bihar, Patna.

Petitioner prays for payment of death-cum-retiral benefits of her late mother Muni Devi who died on 05.09.2016 from the post of Jail Warden.

Learned counsel for the petitioner submits that during her life time she had executed a registered will in the name of the petitioner wherein it was specifically stated that all the retiral benefits of Muni Devi will go to the petitioner. A copy of the registered will is annexed as Annexure-2 to the writ application. He submits that an affidavit has been filed by the husband of the deceased employee Shankar Sahani that he has no objection if his daughter, the petitioner is paid all the retiral dues of late Muni Devi.

However, a counter affidavit has been filed on behalf of the respondent nos. 1, 2 and 4 stating therein that objections have been raised by the other family members of late Muni Devi regarding payment of retiral dues of the deceased employee which is Annexure-H series.

Considering the nature of prayer made, this writ application is not maintainable under Article 226 of the Constitution of India. The petitioner is at liberty to approach the competent court for obtaining succession certificate and in case the succession certificate is issued in favour of the petitioner, all retiral dues be paid to the petitioner by the authorities concerned within a period of three months from the date of filing of such succession certificate before the authorities.

Writ application is disposed of accordingly.

(Nilu Agrawal, J)

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