

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3178 of 2018

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Sushila Devi, Wife of Late Kesho Dom and Mother of late Rajesh Dom,
Resident of Village-Murlachak, P.S. Warisaliganj, Dist.-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Director-in-Chief Health Department Govt. of Bihar, Patna.
2. The Regional Director, Magadh Region, Gaya.
3. The District Magistrate-Cum-Collector. Nawada.
4. The Civil Surgeon-Cum-Chief Medical Officer, Nawada.
5. The Superintendent, Sadar Hospital, Nawada. of Police, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar, Advocate
For the Respondent/s	:	Mr. Mujtabul Haque, GP-12
		Mr. Manish Kumar, AC to GP-12

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 07-12-2018

Heard learned counsel for the petitioner and learned
counsel appearing for the State.

2. Petitioner is the mother of the deceased Rajesh Kumar, who died in harness on 31.03.2017. It has been submitted that the wife of the deceased Nilam Devi has re-married and it is the petitioner who had to take care of the minor children of the deceased employee, who are 3 in number.

3. A counter affidavit has been filed on behalf of respondent no. 4 stating therein at Annexure-C that the wife of the deceased employee has also raised a claim regarding death benefits of the late employee, hence, both the contending parties have been directed to file succession certificate which has been



communicated to the wife of the deceased Nilam Devi vide Memo No. 328 dated 30.01.2018, as contained in Annexure-C.

4. Learned counsel for the petitioner informs that the son of the deceased Chandan Kumar has already preferred a Succession Case No. 05/2018 before the civil court of competent jurisdiction at Nawada.

5. Considering the nature of prayer made by the petitioner, this writ application is disposed of with direction that if the petitioner succeeds in the succession case, the authorities, especially respondent no. 4, would consider the claim of death benefit of the deceased employee Rajesh Kumar within a period of three months from the date of receipt/production of the succession certificate.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.12.2018
Transmission Date	NA

