

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17288 of 2016

- =====
1. Smt. Tetri Devi wife of Late Dinesh Tatma, in the capacity of mother and natural guardian of her minor children named hereinafter
 2. Reeta Kumari
 3. Mithun Kumar
 4. Amar Nath Das
 5. Dukhani Kumari

All sons and daughter of Late Dinesh Tatma, Resident of village- Bishanpur, Police Station- Kadwa, District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Katihar.
2. The Superintendent of Police, Katihar (Home Police department).
3. The Sub-divisional Officer, Barsoi, Katihar.
4. The Circle Officer, Bishanpur, Katihar.
5. The Accountant General Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Ojha, Advocate
For the State	:	Mr. Sheo Shankar Prasad, SC 8
For the Respondent No. 5	:	Mrs. Nivedita Nirvikar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 27-07-2018

Heard learned counsel for the petitioners; State and
Accountant General.

2. The petitioner no. 1 claims to be the second wife of
Dinesh Tatma whereas petitioners no. 2 to 5 claim to be the children.



They have sought retiral benefits due to the employee, who died in harness on 09.06.1990.

3. From the pleadings on record, it transpires that one Uma Devi represented before the authority stating that she was the first wife and, thus, entitled to family pension.

4. Learned counsel for the State submitted that dues have been sanctioned but kept on hold in view of controversy arising as to who would be the rightful claimant to pensionary benefits. Learned counsel further submitted that the amount is already lying with the respondent no. 4 but because of the controversy, the same shall be paid to the person who comes with the decision of the Court in his or her favour.

5. Having regard to the rival contentions, the Court finds substance in the contention of learned counsel for the respondents that without there being a proper order or succession certificate in favour of the petitioners, payment of retiral dues cannot be made to them as admittedly petitioner no. 1 claims to be the second wife of the deceased employee.

6. Faced with the situation, learned counsel for the petitioners submitted that they shall be producing the required documents before the respondent no. 4.

7. Having regard to the aforesaid, the writ petition stands



disposed off with a direction to the petitioners to produce all relevant papers in support of their contention before respondent no. 4. If the same is filed within four weeks from today, the respondent no. 4 shall consider the same and pass a reasoned order. If it transpires that any amount is due and payable to the petitioners, the same shall also be paid to them within the next four weeks. If payment of any amount is denied, reasons shall be assigned for the same.

(Ahsanuddin Amanullah, J)

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