

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6786 of 2019

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1. Suvashani Devi, W/o late Bachaha Prasad Singh R/o Village- Rasulpur, Turki, P.O. Asoi, P.S. Bhagwanpur, Distt. Vaishali.
 2. Sita Devi W/o late Sakaldeo paswan R/o Village- Shahpur, P.S. Vishunudattpur, P.S. Kanti, Distt. Muzaffarpur.
 3. Rampari Devi W/o late Gonour Mahto R/o Village- Nazirpur, Sekhpur, P.S. Ahiyapur, Distt. Muzaffarpur.
 4. Gita Devi W/o late Satrudhan Thakur Resident of Village- Daud Ward No. 11, P.O. Alineora, P.S. Minapur, Distt. Muzaffarpur.

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Railway, Govt. of India, New Delhi.
2. The Chairman and Managing Director, Bharat Wagon and Engineering Company Ltd. C. Block, 5th Floor, Muryalok Complex, Dakbunglow road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani, Advocate
For the Respondent-1 : Mr. Bijay Kumar Sinha, Advocate
For the Respondent -2 : Mr. Raj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 24-04-2019

Heard the learned counsel for the parties.



The petitioners have challenged the notice issued in a newspaper under the signature of the Chairman-cum-Managing Director, Bharat Wagon and Engineering Company Limited, a company which has been wound up, seeking succession certificate of such heirs of employees who had taken VRS, for the purposes of disbursement of the amount to which they would be entitled.

Mr. Raj Kumar, learned advocate for the Company, submits that such a notice was necessitated to avoid any litigation with respect to payment to a wrong person. As a measure of abundant precaution, succession certificate has been asked from such heirs of employees who have taken VRS.

It has been submitted on behalf of the petitioner, on the other hand, that the notice requires such beneficiaries to obtain a succession certificate from Class-I Magistrate, which is a time taking procedure. The succession certificate also would not be the final proof of the fact as to who, as an heir of the deceased employee, or an employee who has taken VRS would be eligible for being paid the benefits to which the employee



was entitled. He, therefore, suggests that if a list of heirs is given along with an affidavit of the other heirs that they are not interested or they authorize the petitioner as the heirs of such employee, to receive payments from the company, such document can be relied upon and the company ought not to insist for the succession certificate issued by judicial officer.

The learned counsel appearing for the respondent / company, in a fair measures, admits that such a procedure would be less taxing for the persons who are entitled to be paid and would also serve the purpose of keeping the company away from any unwarranted future litigation.

Under the aforesaid circumstances, the petitioners are directed to make a representation before the Chairman and Managing Director, Bharat Wagon and Engineering Company Limited (Respondent No. 2) stating that they should not be insisted upon for furnishing succession certificate but only a list of heirs with affidavit of other heirs of not staking their claim on such amount, within a period of four weeks from today. On receipt of such representation / application, the concerned respondent shall take such ground into account and pass orders



in accordance with law within a further period of four weeks thereafter.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	27.04.2019
Transmission Date	

