

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7016 of 2018

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1. Jeevan Kumar Raushan aged about 27 years, son of Late Deo Charan Paswan, resident of Care of Smt. Pramila Kumari, Teacher, K.R.Gali No.2, Ward No.31, Baswaraiya Bettiah, West Champaran, Bihar-PIN :845438
 2. Neha Kumari, wife of Shri Pramod Kumar and Daughter of Late Deo Charan Paswan, resident of Village: Narkatiyaganj Sugar Mill, P.O. Narkatiyaganj, P.S. Shikarpur, District: West Champaran, presently residing at Chananapura, P.O.Ghakjari, P.S. Arer, District Madhubani,
 3. Ujjawal Kumar, son of Late Deo Charan Paswan, resident of Care of Smt. Pramila Kumari, Teacher, K.R. Gali No.2, Ward No.31 Baswaraiya, Bettiah, West Champaran, Bihar-PIN 845438

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Chief Secretary,
2. The Principal Secretary, Finance Department, Bihar, Patna
3. The In-Charge Officer, Finance (Personal Claim Fixation Cell) Department, Bihar, Patna,
4. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
5. The Deputy Secretary, Rural Works Department, Government of Bihar, Patna,
6. The Principal Secretary, Road Construction Department of Bihar, Patna,
7. The Chief Engineer-2, Rural Works Department, Government of Bihar, Patna,
8. The Superintendent Engineer, Rural Works Department, Works Circle, Bhagalpur, Bihar
9. The Executive Engineer, Rural Works Department, Work Division-1, Banka, Bihar
10. The District Provident Fund Officer, Bhagalpur, and
11. The District Provident Fund Officer, Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Respondent/s : Mr.Ajay- Ga5

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 16-01-2019 Heard the learned counsel for the petitioner.



Petitioners in the present writ application seeks payment of entire death-cum-retiral benefits of their father Sri Deo Charan Paswan who died in harness on 21.09.2012 while working as an Assistant Engineer in the office of the respondent no.9, the Executive Engineer, Rural Works Department, Work Division-1, Banka, Bihar. Petitioners are sons and daughter-in-law of the late employee. The wife of the late employee had already expired before the death of the employee.

A counter affidavit has been filed by the State on behalf of respondent nos.4,5,7,8 and 9 stating therein that pension has to be paid as per Rule 186 of the Bihar Pension Rules, but since the claim of the bonafide successors have to be ascertained and then released, hence a succession certificate is required.

Considering the averments made in the counter affidavit, the writ application is disposed of with a liberty to the petitioners to obtain a succession certificate from the Court of competent jurisdiction and on succession certificate having been granted to the petitioners and filed before Respondent No.9, the Executive Engineer, Rural Works Department, Work Division-1, Banka, Bihar would consider the claim of the petitioners in the light of the succession certificate so issued and as per Rule 186



of the Bihar Pension Rules as amended.

(Nilu Agrawal, J)

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