

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19323 of 2016

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1. Md. Rahman Hashmi,
 2. Md. Hasnain Hashmi,
 3. Md. Zakiullah Hashmi @ Zakku, All Sons of Late Md. Mehdi Hassan
 4. Qaisra Khatoon, daughter of Late Md. Mehdi Hassan, no. 2 to 4 through Power of Attorney holder Md. Rahman Hashmi, All Residents of Mohalla - Dargah Ghera, Neem Tal, Hashmi Maznil, Police Sultanganj, Post office - Mahendru, District - Patna

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... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Engineer, National Highway Division, Road Construction Deptt. Patna, Bihar
3. The Executive Engineer, National Highway Division, Gulzarbagh, Patna at Present R. Block, Near Petrol Pump, Police Station - Sachivalaya, Post Office - G.P.O., District - Patna
4. Sultana Khatoon, Claiming herself as Wife of Late Abu Raza Hashmi, Resident of Mohalla - Dargah Shah Arja, Main Gate, Near Jama Masjid, Police Station - Sultanganj, Post office - Mahendru, District - Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Abinash Kumar
For the Respondent/s : Mr.Manoj Kr.Ambastha-Sc26

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-01-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

A counter affidavit has been filed on behalf of respondent nos.1 and 2 stating therein that the entire retiral benefits have been paid to the wife of the retired employee. Petitioners are brother and sister of late employee Md. Abu Raja Hashmi, who retired from the post of Accounts Clerk in National Highway Division on 31.05.2016 and died on 08.08.2016. The respondent no.4 has been found to be the wife



of late employee and all the retired benefit has been paid to the respondent no.4. The petitioners, who are brother and sister of the late employee, could not show the provision under which they should be given share of pension of the retired employee. However, the petitioners will be at liberty to move the competent civil court regarding declaration of their claim on pensionary benefit of the deceased employee under the Mohammadan law.

Writ application is disposed of accordingly.

(Nilu Agrawal, J)

B.Kr./-

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