

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14151 of 2019

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Sashi Devi @ Shashi Devi, aged about 65 years (Female) Wife of Late Shyam Bahadur Singh Resident of Street/Road/Lane- Chiraya Tand Gali no.1 Jaypal Bhawan Prithvipur, Kankarbagh, Village/Town/City- Phulwari, P.O.- Patna G.P., P.S.- Phulwari, District- Patna, PIN- 800001 (Bihar).

Presently residing with her daughter at New Hill Area, Road No.07, Near Sherya Enclave, P.O.- Bariatu, P.S.- Bariatu, Ranchi, Jharkhand- 834009.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Building Construction Department.
2. The State of Bihar through Engineer in Chief, Building Construction Department, Vishwavashaiya Bhawan, Patna.
3. The Electrics Executive Engineer, Electrics Works Department Division-1 Patna.
4. The Office of Executive Engineer, Electrics Works Department, Division-1, Building Construction Department, Old Secretariat, Patna.
5. The Electrics Executive Engineer, Electrics Works Department Division-1 Darbhanga.
6. The Electrical Junior Engineer, Works Division, Building Construction Department, South Bailey Road, Patna-1.
7. The Treasury Officer, Collectorate Darbhanga, Bihar.
8. The Accountant General, (A and E), Mahalekhakar Bhawan, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Apurva Kumar
For the State	:	Mr. S. Jabal Ahmad, SC-20
		Mr. Prabin Kumar, AC to SC-20

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 15-11-2019

The present writ petition has been filed seeking a direction upon the respondents to pay the death-cum-retiral benefits of her deceased husband.

2. The brief facts of the case are that the deceased employee, namely, late Shyam Bahadur Singh was working as a Majdoor



in the Building Construction Department, Government of Bihar at Darbhanga, however, at the time of death, he was deputed as Majdoor in the office of the Executive Engineer, Electrical Works Division No. 1, Patna. The death of the deceased employee had taken place on 25.11.2015, on which date, the deceased employee is said to have been survived by two wives i.e. the first, namely, Shushila Devi, who is stated to have died on 8.2.2019 and the second one i.e. the petitioner herein.

3. The learned counsel for the petitioner has submitted that since the first wife is no longer alive, the second wife is entitled to the death-cum-retiral benefits of the deceased employee and to buttress the case of the petitioner, the learned counsel for the petitioner has referred to Annexure-7 to the reply affidavit filed by the petitioner to the counter affidavit wherein the petitioner has been named as a nominee of the deceased employee in the provident fund account.

4. Per contra, the learned counsel for the Respondents-State submits that since the petitioner is the second wife, the entire facts and circumstances of the case would have to be examined and appropriate decision, in accordance with the various notifications and circulars issued by the Government of Bihar, shall have to be considered.



5. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to approach the Principal Secretary, Building Construction Department, Government of Bihar, Patna by filing appropriate representation along with entire facts and documents for grant of death-cum-retiral benefits pertaining to her deceased husband whereupon the Principal Secretary, Building Construction Department, Government of Bihar, Patna shall adjudicate upon the same by passing a reasoned order within a period of six weeks thereafter and in case, any amount is payable on the head of death-cum- retiral dues to the petitioner herein, the same shall be paid within a further period of six weeks therefrom.
6. The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.11.2019
Transmission Date	NA

