

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.180 of 2019

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Sitaram Sharma, Son of Deep Narayan Mahto, Resident of Village-
Manjhgayn, P.s. Belhar, District-Banka ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare
Department, Government of Bihar, Patna
2. The Director, Integrated Child Development Scheme, Bihar, Patna
3. The Zila Padadhikari, Banka
4. The Zila Programme Padadhikari, Banka
5. The Child Development Project Officer, Belhar, Banka

... Respondents

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Appearance :

For the Petitioner : Mr. Suresh Prasad Bhakta, Adv.
For the Respondents : Mr. Sunil Mandal, SC III with
Mr. Bipin Kumar, AC to SC III

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 26-06-2019

Heard the parties.

The petitioner has claimed for grant of ex-gratia to the extent of rupees four lakhs on account of death of his wife while working as Agan Bari Sevika. The claim of the petitioner is under the departmental letter, dated 25.03.2019 (Annexure 'C' to the counter affidavit).

The State, in its counter affidavit, has submitted that the petitioner's claim has been recommended by the Child Development Project Officer, Belhar, Banka, to the District Programme Officer, Banka, on 22.03.2019. The petitioner, thereafter, has been directed by the respondent no. 5 to submit no objection certificate of other dependents of his deceased



wife. Stand of the Department is that upon submission of no objection certificate further action may be taken for ensuring payment in accordance with the said letter, dated 25.03.2019.

The petitioner has taken stand that no objection certificate is not required.

The stand of the petitioner is not acceptable. The decision of the Government under which the claim of ex-gratia payment is being made by the petitioner clearly requires the submission of no objection certificate in case of there being more than one legal heir of the deceased employee. Petitioner, therefore, in order to avail the benefits under the decision of the Government, dated 25.03.2019, would be obliged to submit the no objection certificate required under the same. Since, the finalization of the petitioner's claim is pending fulfillment of the requisite of no objection certificate by the petitioner himself, he can not be heard to raise the grievance regarding non-finalization of the same. It is, however, made clear that if the petitioner submits the no objection certificate of the other legal heirs in terms of the departmental letter, dated 25.03.2019, the claim of the petitioner should be expedited in accordance with law.



With these observations and directions, this
application is **disposed off**.

(Madhuresh Prasad, J)

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