

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.143 of 2018

In

Civil Writ Jurisdiction Case No.10397 of 2016

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1. The Chairman Cum Managing Director, Bihar State Power Holding Company Ltd. Bidyut Bhawan, Bailey Road, Patna.
 2. The Managing Director, South Bihar Power Holding Company Limited, Bidyut Bhawan, Bailey Road, Patna.
 3. The Chief Engineer, South Bihar Power Holding Company Limited, Bidyut Bhawan, Bailey Road, Patna.
 4. The Electrical Superintending Engineer, Electric Supply Division, Munger.
 5. The Electrical Executive Engineer, Electric Supply Division, Munger.
 6. The Electrical Assistant Engineer, Electric Supply Sub-Division, Munger
- ... Petitioners

Versus

Maya Devi W/o late Ram Kishun Mistry Resident of Village- Nayagaon,
Thakurbari Road, P.O. Jamalpur, District Munger

... Respondent

Appearance :

For the Petitioners : Mr. Anand Kumar Ojha, Adv.
For the Respondent : Mr. A.K. Karn, Adv.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 07-01-2019 Heard learned counsel for the petitioner and the South Bihar Power Holding Company Limited (hereinafter referred to as, 'the Company').

Petitioners seek review of the order, dated 09.11.2017, passed in C.W.J.C. No. 10397 of 2016, whereby since the respondent-opposite party, who was petitioner before the writ Court, had produced succession certificate. The Company was directed to release the claim of the erstwhile employee, in favour of the respondent-opposite party.

Learned counsel for the petitioner submits that as per the genealogical table the erstwhile employee is survived by



three daughters, one being the petitioner in the writ application in whose favour the succession certificate was issued. He submits that the succession certificate issued by the competent civil court, which is Annexure 2 of the writ application, was with regard to certain deposits with the Central Bank of India, Munger Branch, and the civil court having found that the respondent-opposite party was the successor having not been controverted the said amount lying with the Central Bank of India, Munger Branch, was directed to be released in favour of opposite party. He submits that there are two more sisters surviving apart from the opposite party, hence, petitioners are at difficulty in releasing the death-cum-retiral benefit of the late erstwhile employee with regard to gratuity, leave encashment, General Provident Fund and other admitted retiral dues. He submits that it is because of the said that a clarification/modification is sought by way of present review application.

Considering the submissions of the petitioners and after perusing the order passed in writ application, the respondent-opposite party, Maya Devi, who had approached this Court for payment of death-cum-retiral benefit of the erstwhile employee, late Ram Kishun Mistry, and the succession



certificate which was issued by the civil court which was not controverted by either of the surviving heirs, the order passed in the writ application does not require any review. The petitioners are directed to comply the order, dated 09.11.2017, passed in C.W.J.C. No. 10397 of 2016.

Review application is, accordingly, **disposed off**.

(Nilu Agrawal, J)

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