

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 25098 of 2019

Manju Singh, aged about 54 years, Gender-Female, Wife of Late Suresh Singh, resident of Village- Bairiyadih, Police- Station- Harsidhhi, District- East- Champaran (Motihari).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Chief Engineer, Road Construction Department, Government of Bihar, Patna.
3. The Superintending Engineer, Road Construction Department, Road Circle, Motihari.
4. The Executive Engineer, Road Construction Department, Road Division, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Singh, Advocate
For the State : PAAG 2

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 17-12-2019

Heard learned counsel for the petitioner and learned AC
to PAAG 2 for the State.

2. The petitioner has moved the Court for the following
reliefs:

*“That by the present writ petition, the
petitioner hereof craves indulgence of this Hon’ble
Court for issuance of an appropriate writ/writs,
order/orders direction/directions, rule or command,*



especially in the nature of Mandamus, commanding and directing the respondents to make payment of death-cum-retiral dues to the petitioner, being the nominee and mother of the deceased, Durgesh Kumar who died in harness on 03.05.2016 while he was posted as Lower Division Clerk in the office of respondent no. 4 and / or any other relief(s) to which the petitioner may be found entitled thereto as this Hon'ble Court may deem just and proper under the backdrop of the facts and circumstances of the present case."

3. The issue is simple. The son of the petitioner after being appointed in Government service had subscribed to a pension fund in which the petitioner in the capacity of mother was made the nominee. Later he married but did not change the nominee in his pension fund. He passed away on 03.05.2016 while still in service and after that when the petitioner applied for payment from the pension fund, the authorities are still sitting on the matter on the austensible ground that the wife of the deceased has also claimed the amount.

4. Learned counsel for the petitioner submitted that once the scheme has provided for nomination, it is the person who is subscribing to the fund to take a call as to who would receive the money in the event of his death which is also contemplated in the scheme itself. Learned counsel submitted that once the son of the petitioner has made her the nominee in the pension fund and even



after marriage did not get the same changed, the authorities at least cannot refuse payment to her.

5. Learned counsel for the State fairly submitted that once there is a nomination, probably the authorities are erroneously holding back the amount to the petitioner, as they cannot go into the matter of inheritance or apportion the amount among heirs.

6. Having considered the aforesaid, the Court finds that the petitioner is required to be paid the amount of the pension fund of her late son being the sole nominee. The law is settled, inasmuch as, when there is a nominee with regard to any beneficiary, the amount has to be paid to such nominee which is always subject to the claim of the sharers in that amount for which they have to move before the appropriate forum for apportionment and the nominee, is deemed to receive the amount as a trustee on behalf of all co-shares in favour of whom the competent Court may ultimately rule.

7. Let the same be done within three weeks from the date of production of a copy of this order before the respondent no. 4.

8. However, the Court would only indicate that if there is any person who also claims a share in the amount, it shall be



open to such person to move before the Civil Court of competent jurisdiction for apportionment of the amount.

9. The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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