

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4441 of 2020

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Chandan Kumar Son of Late Rajendra Prasad Resident of Village Garhpar,
Nawada, near Kali Mandir (Riverside) Gondapur, P.S. and District Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Minor Water Resources Department, Government of Bihar, Patna.
2. The Joint Secretary Minor Water Resources Department, Government of Bihar, Patna.
3. The Executive Engineer Minor Irrigation Division, Nawada.
4. The District Provident Fund Officer Nawada.
5. The Accountant General Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate
For the Respondent/s : Mr.Anirban Kundu (SC-24)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 02-09-2020 Heard Mr. Shailendra Kumar Singh, learned counsel

 appearing on behalf of the petitioner and Mr. Anirban Kundu,

 SC-24, appearing on behalf of the State.

The petitioner has filed the present writ petition for a direction to the respondents to pay death-cum- retiral benefits to the petitioner. The father of the petitioner superannuated on 31.3.2019. The claim of the petitioner is that his father nominated him, being the younger son, for provident fund and also all the post retiral dues.

In this case a counter affidavit has been filed which indicates that the other surviving brothers have disputed the



claim of the petitioner and under the aforesaid circumstances, the department has asked the petitioner to obtain succession certificate. The relevant part of the counter affidavit, i.e. paragraphs 11, 14 and 15, are quoted below for ready reference.

“11. That the answering respondent by letter dated 23.10.2019 bearing memo no. 1967, letter dated 15.01.2020 bearing memo no. 61 and letter dated 07.03.2020 bearing memo no. 374 requested and reminded the petitioner and his elder brother to submit the necessary documents including the succession certificate in view of the contradicting and suspicious situation but till date none has submitted the succession certificate to the department so that the answering respondents could process and expedite the death cum post retirement payments of late Rajendra Prasad.

14. That answering respondent is under obligation and willing to release the post retirement payment of late Rajendra Prasad as and when the required documents are submitted by the claimants and the right beneficiary is identified/decided



by the competent court.

15. That the writ application is misconceived and the petitioner has filed the writ application concealing material facts and thus he is not entitled to any relief from this Hon'ble Court. This is the fight between two brothers over the death cum retirement benefits amount of their late father which cannot be decided under the writ jurisdiction.”

In view of the aforesaid, the writ petition is disposed of with the direction to the petitioner to submit the relevant document/certificate required by the department for settling the post retiral dues of the father of the petitioner to the legal heirs. The respondents will do well in making payment of the entire dues of pension and other terminal dues to the legal heirs of late Rajendra Prasad within a maximum period of three months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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