

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14710 of 2019

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Mitan Devi, W/o Late Raju Raut, Resident of Mehtar Toli, Gali ,2 No. Gumti,
P.S.- Basudeopur, Distt.- Munger

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Govt. Bihar, Patna
2. The District Magistrate, Munger
3. The Municipal Commissioner, Munger Municipal Corporation, Munger
4. The Chairman, Munger Municipal Corporation, Munger

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Karuna Nath Sahay, Advocate
For the Respondent/s : Mr.Rajiv Roy, G.P.1

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 15-06-2020 The matter has been listed today for consideration through video conferencing in view of the nationwide lockdown on account of COVID-19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and learned counsel appearing for State.

The petitioner has approached this Court claiming to be the widow sister of the employee of the Munger Municipal Corporation, namely, Shankar Raut. It is submitted that he was a



Cleaner in the Corporation and passed away while in service on 01.09.2018.

The submission is that the petitioner was made a communique of said Late Shankar Raut in his savings Bank account in Bank of India, Munger.

The specific query of the Court is as to under which provision, the widow sister is entitled to claim the dues admissible to the deceased Shankar Raut. The second query that arises is whether such a claim can be accepted merely for the asking of the petitioner based on a family certificate issued by the Circle Officer.

Learned counsel for the petitioner has not been able to show any provision under which the widow sister could assert her right for receiving pension of her brother who died in harness.

Learned counsel for the Corporation has submitted that the documents on which the petitioner has based her claim do not inspire confidence. The Corporation has asked the petitioner to produce a succession certificate with respect to the dues of Late Shankar Raut. In this regard communication has been sent to the petitioner (Annexures A and B to the counter affidavit).



In the absence of such certificate, the Corporation is not in a position to give any dues to the petitioner.

The claim of the petitioner therefore without prejudice to her right to establish the same in accordance with law and as per communications (Annexures A and B), cannot be gone into in these writ proceedings. If the petitioner is desirous of receiving the benefits claimed, she may comply the requirement of the Corporation by producing succession certificate.

The writ petition is thus dismissed.

(Madhuresh Prasad, J)

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