

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Civil Writ Jurisdiction Case No.6728 of 2017**

Kalawati Devi W/o Late Upendra Nath Sah, H/o Shri Kashi Nath Jha,
Vachaspati Nagar, P.S. Bahadurpur, P.O.- Mahendru, Patna- 800006.
Permanent Address- Resident of Wajitpur Road, P.O. P.S.- Barh, District-
Patna- 803214. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Under Secretary Management, Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer Mechanical, Water Resources Department, Government of Bihar, Patna.
5. The Superintendent Engineer Mechanical, Irrigation Mechanical Circle, Mithapur, Patna.
6. The Executive Engineer, Research and Training Division-1, Khagaul, Patna.
7. The Accountant General, Bihar, Birchand Patel Path, Patna -1.
8. The Director, General Provident Fund Directorate, Pant Bhawan, Patna.
9. The Under Secretary, Law Department, Government of Bihar, Patna.
10. The Special Secretary, Law Department, Government of Bihar, Patna.
11. Shri. Purushottam Nath Kaushik, Son of Late Upendra Nath Sah, R/o Village- Dayachak, Ward No.- 26, P.O. P.S.- Barh, District Patna- 803214.
12. Shri Raushan Kumar, Son of Late Upendra Nath Sah,
13. Priyanka Rani, D/o Late Upendra Nath Sah,
14. Neha Rani D/o Late Upendra Nath Sah, All resident of H/o- Kashi Nath Jha, Vachaspati Nagar, P.O.- Kumhrar, P.S.- Mahendru, Patna- 800006.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.
For the Respondent/s	:	Mr.Kunal Tiwary, Advocate
For Res. No. 12 to 14	:	Mr. Mayank Rukhaiyar, Advocate
For the A.G. Bihar	:	Mr. Uday Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

8 29-06-2020 Once again learned counsel for the petitioner has not
joined the proceeding.

Mr. Kunal Tiwary, learned counsel for the State and



Mr. Uday Kumar, learned counsel for Accountant General, Bihar are present. Mr. Mayank Rukhaiyar, learned counsel for respondents no. 12 to 14 is also present.

Perusal of the records shows that the family pension has already been sanctioned in favour of the petitioner. It is the stand of the State that in the service record there was no nomination of the concerned employee. The State has taken a stand that so far as the leave encashment and GPF amount are concerned, those have already been paid equally to the petitioner and other legal heirs (respondents no. 11 to 14) and as regards gratuity no objection has already been sent to the Treasury Officer. In this connection, Annexure 'J' to the supplementary counter affidavit of respondents no. 1 to 6 has been brought to the notice of this Court.

Law of nomination is well settled that the Nominee is the hand indicated by the employee to receive the money but a mere nomination cannot be interpreted so as to mean that the nominee will receive the entire amount in total exclusion of other legal heirs.

In the aforesaid view of the matter, finding that the State has already taken steps to pay all the post retiral dues and no objection has also been issued in respect of gratuity, the objection raised on behalf of the petitioner with regard to the



apportionment of the post retiral dues among the other legal heirs lost its significance in the present writ application.

In case the petitioner has any claim against the legal heirs with regard to the money paid to them, she may seek her remedy before the appropriate court in a private law remedy.

The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

