

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7233 of 2018

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Parmila Devi @ Pramila Devi, wife of Late Binod Singh @ Vinod Kumar Singh, resident of Village- Makrain, P.O.- Dalmia Nagar, P.S.- Dehri, District- Rohtas, At present residing at Purbi Gumti, Power House Colony, P.O.- Ara, P.S.- Ara, Nawada, District- Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Energy Department, Bihar, Patna.
3. The Chairman, Bihar Electricity Board, Patna.
4. The District Magistrate, Bhojpur at Ara.
5. The Executive Engineer, Bihar Electricity Board, Ara.
6. Assistant Engineer/ S.D.O. Bihar Electricity Board Urban Electric Supply Division- 2 Ara.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr.Dronacharya, Advocate.
For the State	:	Mr. Rakesh Ambashtha A.C. to A.A.G. 7.
For the Bihar State Power Holding Co. Ltd.	:	Mr. Ranjit Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 21-09-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned counsel for the respondents.

The following reliefs have been sought for on behalf of the petitioner in the present writ application.

“1.For issuance of an appropriate writ (s)/order(s) or direction(s) and thereby to



issue a writ in the nature of 'Mandamus' and thereby to direct the respondent authorities to grant Pension, Gratuity, Provident Fund, Group Insurance, payment under Employee Welfare Scheme, to the petitioner who is the legally married wife of the employee Vinod Kumar Singh unskilled Khalasi (Cleaner) who died in harness on 03.02.2011.

2 (i) The petitioner be paid all the post retiral benefits amount to her deceased husband i.e., Pension, Gratuity, Provident Fund, Group Insurance amount as the amount accruing to her under the Employee Welfare Scheme as accrued to the petitioner.

(ii) The petitioner be also directed to be paid the interest over the alleged dues from 01.03.2011 till the date of final payment.

(iii) The petitioner be paid cost of legal proceeding throughout.

The petitioner claims the post retiral benefits of her husband who was serving in the Electricity Board. The husband of the petitioner had died during the service period. Hence, the present application was preferred by the petitioner claiming herself to be the second wife of late Binod Singh @ Vinod Kumar Singh.

A counter affidavit has been filed on behalf of the respondent no. 3, the Chairman, Bihar Electricity Board, Patna. The following statements have been made in paragraph no. 9 of the said counter affidavit.

"9. That the deponent humbly submitted that the petitioner had also filed Succession Certificate Case No. 58/2014 and certificate was granted in favour of the petitioner.



The two sons of late Binod Singh from his first wife, preferred Misc. Case No. 18/2017 in the Civil Court at Ara, against the certificate granted in succession certificate in Succession Certificate Case No. 58/2014 which is pending for hearing.”

The issue on succession is still pending in the Civil Court at Ara.

After disposal of Misc. Case No. 18/2017, pending in the Civil Court at Ara, the petitioner will be at liberty to file an appropriate application before the concerned court/authority for redressal of her legal rights.

With the aforesaid observation and direction, the present writ application stands disposed of.

(Sudhir Singh, J)

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