

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18796 of 2019

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Vinod Kumar Rawat Son of Late Chunchun Prasad, Resident of Vill-Bihari,
P.S.-Jamui, District-Jamui, Bihar. Petitioner.

Versus

1. The State of Bihar.
 2. The District Magistrate, Jamui.
 3. The Deputy Collector (Establishment), Jamui.
 4. Most. Savita Devi, W/o Late Chunchun Prasad, Resident of Vill-Bihari, P.S.-
Jamui, Dist-Jamui, Bihar (as mention in letter), Present address is W/o Late
Niranjan Rawat (son of Taran Rawat), Resident of Vill-Dhamna, P.S. Jhajha,
Dist-Jamui.
- Respondents.

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Mishra, Advocate.
For the Respondent/s : Mr. Md. Nadim Seraj, GP-5

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 31-08-2020 **Re.: I.A. No.2 of 2020**

Heard Mr. Anjani Kumar Mishra, learned counsel for
the petitioner and Md. Nadim Seraj, learned GP-5 for the State
through virtual Court proceedings on this interlocutory
application.

The instant interlocutory application has been filed to
recall the order dated 13.07.2020 passed in this case to the
extent of imposition of fine of Rs.10,000/- to be deposited by
the State, submitting that due to COVID-19 pandemic the entire
district administration was actively engaged since late March till
date in testing, containing, controlling and providing medical
assistance to the infected persons, hence the counter affidavit



could not be filed on time.

Considering the facts and circumstances of the case and the submissions made in the interlocutory application, I.A. No.2 of 2020 is allowed and the State is exempted to deposit the cost of Rs.10,000/- as earlier ordered.

C.W.J.C. No.18796 of 2019

Heard learned counsel for the petitioner and learned counsel for the State through virtual Court proceedings and with their consent, this writ petition has been heard for final disposal at this stage itself.

This writ petition has been filed for issuance of an appropriate writ commanding the respondents to pay all death-cum-retiral benefit to the petitioner i.e. son of the deceased employee.

At the very outset, learned counsel for the State submits that the present writ petition is not maintainable as it involves disputed facts which cannot be decided in this summary proceeding. The late employee Chunchun Prasad solemnized the second marriage on 26.04.2013 with one Savita Devi before the Special Marriage Officer, Jamui after the demise of his first wife Kamli Devi. The Circle Officer, Jamui has prepared a written report and submitted before the District Magistrate, Jamui. Thereafter, the said Chunchun Prasad filed



an application before the Department for adding respondent no.4 as nominee and the same was accepted and the name of respondent no.4 was sent to the G.P.F. Office, Munger. The said Savita Devi, being legally wedded wife of Late Chunchun Prasad, filed an application for death-cum-retiral benefit and the process is going on. In the meantime, the present writ petition has been filed by the petitioner concealing the crucial fact. He further submits that the petitioner filed an amendment application bearing I.A. No.1 of 2019 on wrong facts with ulterior motive to usurp the death-cum-retiral benefit of the deceased employee, which was allowed vide order dated 23.09.2020.

It is admitted fact that respondent no.4 is the legally wedded wife of Late Chunchun Prasad and the petitioner is the first son of the deceased employee. There is disputed question of fact, which cannot be determined in this summary proceeding.

In the facts and circumstances aforesaid, this writ petition merits no consideration and is dismissed accordingly.

(Anjani Kumar Sharan, J)

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