

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21914 of 2019

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Anita Kumari Wife of Late Sitaram Prasad At present C/o Sri Bhagat Choudhary, Gulzarbagh, Station Road, near Shiva Mandir (Tempo Chowraha), P.O. Guljarbagh, P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

1. Central Bank of India through its Chief General Manager, Chander Mukhi, Nariman Point, Mumbai-400021.
2. Chief General Manager, Father's name not known to the petitioner, Chander Mukhi, Nariman Point, Mumbai-400021.
3. Regional Manager Central Bank of India, 2nd Floor, B-Block, Dak Bunglow Road, Maurya Lok Complex, Patna- 800001.
4. Branch Manager Central Bank of India, Currency Chest, D- Block, New Area, Kadam Kuan, Patna-800003.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 15650 of 2017

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1. Snehlata Kumari and Anr Daughter of Late Sitaram Prasad,
2. Nisha Kumari, Daughter of Late Sitaram Prasad, Both are resident of Mohalla- Kila Road, P.O.- Jhauganj, P.S.- Chauck, Patna City, District- Patna- 800008.

... .. Petitioner/s

Versus

1. The Central Bank Of India and Ors
2. The Senior Manager, Central Bank of India, Regional Office, Maurya Complex, Patna- 800001.
3. The Branch Manager, Central Bank of India, Currency Chest Branch, Kadamkuan, Patna.
4. Anita Devi, Wife of Late Sitaram Prasad, Daughter of Shri Bhagat Choudhary, Both are resident of Mohalla- Kila Road, P.O.- Jhauganj, P.S.- Chauck, Patna City, District- Patna- 800008. at present residing at Station Road, Guljarbagh, P.O.- Jhauganj, P.S.- Mehdiganj, Patna City, District- Patna- 800008.
5. Ganga Babu, General Secretary, Central Bank Employees Union, Maurya Complex, Patna- 800001.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 21914 of 2019)

For the Petitioner/s : Mr.Ram Kishore Singh



For the Respondent/s : Mr.Satyapal Singh
: Mr.Ajay Kumar Sinha
: Mrs.Manini Jaiswal
: Mr.Sunil Kumar No. III
(In Civil Writ Jurisdiction Case No. 15650 of 2017)
For the Petitioner/s : Mr.Gyanendra Kumar Singh
: Mr.Sanjay Kumar Sharan
For the Respondent/s : Mr.Ajay Kumar Sinha
: Mr.Rajkumar Rajesh
: Mr.Girish Chandra
: Mr.Sunil Kumar No. III

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

7 06-11-2020 The petitioner of C.W.J.C. No. 21914 of 2019 is the widow of the deceased employee of the Central Bank of India. The petitioners of C.W.J.C. No. 15650 of 2017 are the two daughters of the first wife of the deceased employee. Both the writ applications have been filed, seeking direction to the Bank to pay them the death-cum-retiral benefits, consequent upon the death of the deceased employee of the Bank. When C.W.J.C. No. 21914 of 2019 was taken up by this Court on 10.01.2020, a direction was issued by the Court for payment of 50% of family pension to the petitioner of that case.

As both the cases relate to payment of death-cum-retiral dues of the same employee, they have been heard together and are being disposed of by the present common order with the consent of the parties.

Learned counsel representing the Bank has at the very outset drawn my attention to the statement made in paragraph 8



of the supplementary counter affidavit filed on behalf of the Bank, which reads as under:-

“That it is humbly submitted that the death cum retirement benefit shall be given to the petitioner in accordance with the rules and regulations made by the Central Bank of India (EMPLOYEES’) Pension Regulations 1995 wherein Rule 40(5) (c) deals as to how amount shall be distributed amongst the surviving widow and children and in view of that 50% of the Family Pension shall be given to the petitioner and 50% of the Family Pension shall be given to the daughter of first wife, so far Employees’ Provident Fund, Gratuity is concerned which shall be given to the petitioner (wife) as late Sitaram Prasad during his lifetime made nominee to the petitioner Anita Kumari and further so far Leave Enchantment and Group Insurance is concerned if eligible which shall be paid after production of Succession Certificate in view of the rule made under the aforesaid bank wherein it is stated legal representatives would be entitled to get the same and as such Succession Certificate is required to be filed, so far Postal Life Insurance is concerned there is no provision in the bank, however there is a fund in the name of Sir Sorabji Pochkhanawala which is created by the employees of the Central Bank of India who helps the deceased employee or needful employee.”

It has further been stated that the daughters born out of the wedlock of the first wife shall be eligible to receive



family pension, till they attain the age of twenty five years or are married before twenty five years, in terms of Rule 40 (5) (c) of the Central Bank of India (Employees') Pension Regulations, 1995 (hereinafter refer to as the Regulations).

Learned counsel appearing on behalf of the petitioner has argued that since all the legal heirs of the deceased employee are there on record before this Court in the two proceedings, the requirement of submission of Succession Certificate may be waived.

In the Court's opinion, the same cannot be done, which is apparently a requirement under the regulations.

Considering the facts and circumstances and nature of dispute, which the present writ applications involve, they are disposed of with a direction to the Bank to ensure that all the payments are made to the petitioners which they are legally entitled in accordance with the Regulations within two months from the date of submission of Succession Certificate.

These applications stand disposed of.

(Chakradhari Sharan Singh, J)

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