

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14015 of 2018

1. Baby Sinha, Wife of Dhrub Kumar Ambastha.
2. Priyanka Kumari.
3. Renuka Kumari.
4. Sarika Kumari @ Sarika Sinha, Petitioner 2 to 4 are Daughters of Late Dhrub Kumar Ambastha. All resident of Postal Park, Vinoba Nagar, Nirala Path, Chiraiya Tand, P.S. Kotwali, Town and District - Patna.

... .. Petitioner/s

Versus

1. The Union Bank of India, through the Deputy General Manger, Personnel Department Central Office Union Bank Bhawan, Vidhan Bhawan Marg, Mumbai.
2. The Chief Manager, Nodal Regional Office, Union Bank of India, Nasheman Bhawan Fraser Road, Patna.
3. The Branch Manager Union Bank of India, Machua Toli Branch, Arya Kumar Road, P.S. Kadam Kuyan, Town & District- Patna.
4. Chandan Kumar
5. Rahual Ranjan Kumar
Both Son of Dhrub Kumar Ambastha, resident of Postal Park Vinoba Nagar Nirala Path Chiraiya Tand, P.S. - Kotwali, Town and District - Patna.
6. Smt. Anita Sinha Daughter of Late Dhrub Kumar Ambastha resident of Mohalla - Rajiv Nagar, Road No. - 18, P.S. - Rajiv Nagar, Town and District - Patna.
7. Smt. Vibha Sinha Daughter of Late Dhrub Kumar Ambastha, Wife of Akhori Sanjay Nath resident of Kanti Bhawan, Jaganpura Diah, PO+PS - Ramkrishna Nagar, Town & District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Advocate
For the Respondent/s : Mr. Kumar Alok, , Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 19-06-2020



The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Rajesh Mohan, learned counsel for the petitioners and Mr. Kumar Alok, learned counsel for the Union Bank of India (hereinafter referred to as the 'Bank').

3. The petitioners have moved the Court for the following relief:

“That the present writ petition is being filed on behalf of the petitioners for issuance of a writ of mandamus commanding the respondents to grant family pension and the compassionate appointment to the petitioners due to death of late Dhrub Kumar Ambastha in harness and for other relief/reliefs, order/orders in the facts and circumstances of the case the petitioners may entitle to.”

4. A counter affidavit has been filed on behalf of the Bank.

5. Learned counsel for the Bank submitted that compassionate appointment cannot be granted to the petitioners as the same is no more the policy of the Bank. However, with regard to family pension, it was submitted that the Bank has to ascertain many facts as admittedly, the petitioner no. 1 claims to be the second wife of the deceased employee and is said to have married him in the year 1992, after the death of the first wife in the year 1991. Learned counsel submitted that the petitioners have been



paid more than Rs. 19 lakhs under various heads, but later on objection was raised by the children of the deceased from the first wife, who have also filed Title Suit No. 1973 of 2014, for partition of the death-cum-retiral benefits of the deceased employee. Learned counsel submitted that though family pension is payable only to the wife, but in view of the fact that more than Rs. 19 lakhs has already been paid to the petitioners; in the title suit, where the Bank has also been made a party, the amounts which have already been paid under various heads to the petitioners may also be amenable to partition in law and, thus, if the family pension is paid to the petitioners, there would be no money left to make any adjustment with regard to the payment which would be required to be given by the children of the deceased from the first wife.

6. Learned counsel for the petitioners submitted that the Court may fix a time period for conclusion of the title suit as the respondents no. 4 to 7, who are the plaintiffs are not taking any interest in its disposal.

7. Taking into consideration the stand taken by the parties, the Court below is directed to frame issue with regard to family pension also and decide the entire claims in a composite manner so that whatever amount is apportioned, the same is in accordance with law, as per the entitlement under various heads,



which may differ, i.e., the petitioners no. 1 may be granted the family pension, subject to satisfying the requisite conditions, and with regard to the rest, the same may be apportioned in terms of the entitlement of the parties under the existing law.

8. The Court below is directed to ensure that the suit filed by the respondents no. 4 to 7, is disposed off expeditiously and latest within a period of one year from the date of production/receipt of a copy of this order.

9. If the plaintiffs do not co-operate in the matter, the Court below shall proceed to conclude the same within the time frame fixed, as indicated above. Moreover, if still the Court below is unable to conclude the proceeding for any reason beyond its control, the petitioner no. 1 shall be at liberty to approach the authorities of the Bank for payment of at least family pension to her.

10. At this stage, learned counsel for the Bank submitted that they have asked for certain clarification from the petitioners. Thus, after one year, if still matters are not finally settled between the parties, the Bank would consider the prayer of the petitioner no. 1 with regard to grant of family pension to her, upon her completing the required formalities and satisfying the conditions related thereto.



11. The writ petition stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P.Kumar/Anand Kr.

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