

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.315 of 2019

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Md. Aftab Alam Son of Late Md. Amin R/o Village-Khalilpura, P.O. and P.S.-
Phulwarisharif, District-Patna

... .. Appellant/s

Versus

1. The State of Bihar and Ors through Principal Secretary, Building Construction Department, Vishashariah Bhawan, Govt. of Bihar, Patna
2. The Joint Secretary Building Construction Department, Vishashariah Bhawan, Govt. of Bihar, Patna
3. The Chief Engineer Electrical, Building Construction Department, Vishashariah Bhawan, Govt. of Bihar, Patna
4. The Electrical Executive Engineer Electrical Works Division No. 1, Building Construction Department, Vishashariah Bhawan, Govt. of Bihar, Patna
5. The Accountant General of Bihar Office of Accountant General A and E Bihar, Patna
6. Munni Khatoon W/o Late Md. Amin R/o Village-Khalilpura, P.O. and P.S.- Phulwarisharif, District-Patna

... .. Respondent/s

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Appellant/s	:	Mr.Syed Md. Najmul Bari, Adv
For the Respondent/s	:	Mr.Pravin Kumar, Adv
		Mr. Anurag Saurav, Adv
		Mr. Priyajeet Pandey, Adv
		Mr. Bindhyachal Rai, Adv

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 08-09-2021

Heard learned counsel for the parties .

Petitioner has prayed for the following relief:-

“1.That the present letters patent appeal is directed against the order dt. 08.01.2019 passed in CWJC NO. 868/2018 by Hon'ble Justice Smt. Neelu Agarwal whereby and whereunder her lordships refused to hold that the

Appellant had been made nominee by the deceased father although the said stand of nominee has been supported by the state in its counter affidavit however the state has made its recommendation in passing the order for post retiral benefit in favour of the writ petitioner.”

Appellant was intervenor in the writ petition filed by Munni Khatoon (respondent no. 6) who had filed writ petition for payment of retiral dues of her deceased husband-Md. Amin who died on 30.07.2017 while in service, leaving behind his widow (writ petitioner) and 3 sons including Appellant (Eldest Son) who filed an intervenor petition in the writ petition and was added as a party by the writ Court

It is submitted on behalf of Appellant that he was made nominee by his deceased father and same has been admitted by the respondent State in their counter affidavit, as such he is entitled for retiral benefits of his deceased father. It was further submitted that writ petitioner lived separately and had filed a maintenance case against her deceased husband and out of Rs. 12000/-of his salary maintenance of Rs. 9000/- was paid to respondent no. 6 with her two sons and Appellant resided with his father and looked after him as he was suffering from paralysis and subsequently he died in the hospital.

State authorities in their counter affidavit have stated that respondent no. 6 (Munni Khatoon) has been recorded as

wife of deceased employee and as per Service Rules and Pension Rules she is entitled for family pension, family gratuity and other retiral dues and accordingly same was authorized in her name and paid to her.

As far as claim of Appellant was concerned learned Single Judge gave him liberty to approach the appropriate forum for claiming his share in retiral dues as well as his claim for compassionate appointment being one of the legal heirs of deceased employee.

This Court does not find any error or infirmity in the order passed by the learned Single Judge requiring any interference by this Court.

The LPA is, accordingly, dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
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