

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8404 of 2018

Modarrish Iqbal Khan son of Late Muzaffar Iqbal Khan resident of Village -
Machahalpur Lai, P.S. Bihta, District Patna.

... .. Petitioner/s

Versus

1. The Union Of India through the Seamen's Provident Fund Commissioner, (Under Ministry of Shipping) "Krupanidhi" 3rd Floor, 9 Walchand Hiracand Marg, Ballard Estate, Mumbai-400001.
2. The Seamen's Provident Fund Commissioner (Under Ministry of Shipping) "Krupanidhi" 3rd Floor, 9 Hiracand Marg, Ballard Estate, Mumbai-400001.
3. The Administrative/Accounts Officer, Seamen's Provident Fund Organization, Mumbai (Under Ministry of Shipping) "Krupanidhi" 3rd Floor, 9 Hiracand Marg, Ballard Estate, Mumbai-400001.
4. The Assistant Administrative/Accounts Officer Seamen's Provident Fund Organization, Mumbai (Under Ministry of Shipping) "Krupanidhi" 3rd Floor, 9 Hiracand Marg, Ballard Estate, Mumbai-400001.
5. Smt. Nasrin Bano W/o late Muzaffar Iqbal Khan Resident of Village- Machchalpur, Lai P.S. Bihta, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Jubair Ansari, Adv

For the Respondent Nos.1 to 4: Mr.Rajesh Kumar Verma, Asst. S.G.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 07-01-2021

Heard the parties.

2. Petitioner has brought this writ application for issuance of a command against the respondents to ensure equal distribution of death-cum-retiral benefit in the matter of father of the petitioner, Late Muzaffar Iqbal Khan who died on 27.04.2006 while posted as Seaferer Motorman in the Department of Merchant Navy. The equal distribution has been sought for amongst three sons of the deceased from his second wife Sanjeeda



Khatoon. They further sought for an order of restrain against respondents from releasing the death-cum-retiral benefit in favour of Nasrin Bano, the first wife of the deceased.

3. Respondent Nos.1 to 4 in their counter affidavit specifically stated that the amount is payable in favour of the nominee, namely, Nasrin Bano, respondent No.5 as per Seamen's Provident Fund Act and Scheme, 1966.

4. They further stated that name of respondent No.5 is mentioned in the declaration submitted by Late Muzaffar Iqbal Khan as his nominee.

5. The Department would pay to the nominee of the deceased as per their Rules and Schemes and the petitioner would be at liberty to raise his grievance before the appropriate forum if permissible under the law.

6. The Writ Court cannot go into disputed question of fact.

7. Accordingly, this writ application stands disposed off.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.01.2021
Transmission Date	

