

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5058 of 2021

1. Vijay Kumar Srivastava S/o Late Ishwar Lal Resident of Ward No. 13, New Colony, Robertsganj, PO- Robertsganj, District- Sonbhadra, Utter Pradesh, 231216.
2. Dhananjay Kumar Srivastava S/o Late Ishwar Lal Resident of Quarter No. 7/A, Street 34, Sector 7, Civic Centre, Bhilai, PO- Durg, District- Durg, Chhattisgarh, 490006.

... .. Petitioner/s

Versus

1. The Union of India India.
2. National Thermal Power Corporation Limited (NTPC Ltd) NTPC Bhawan, SCOPE Complex, Institutional Area, Lodhi Road, New Delhi, Through its Director (HR)/ Director (Finance).
3. Executive Director, NTPC Ltd. Barh Super Thermal Power Station, Barh, District- Patna.
4. General Manager, NTPC Ltd. Barh Super Thermal Power Station, Barh, District- Patna.
5. Assistant General Manager, (HR), NTPC Ltd. Barh Super Thermal Power Station, Barh, District- Patna.
6. Assistant General Manager (Accounts/ Finance), NTPC Ltd. Barh Super Thermal Power Station, Barh, District- Patna.
7. The State of Bihar Bihar.
8. Smt. Anita Srivastava W/o Late Sushil Kumar Srivastava Permanent Resident of Village Majidar, Pargana- Vijaygarh, Tehsil- Robertsganj, District Sonbhadra, (Utter Pradesh). Presently residing at quarter no. B- 11/5 NTPC Colony, PO- NTPC Barh, District- Patna- 803215.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Kishore Kumar Sinha, Advocate
		Mr. Shashi Shekhar, Advocate
For the State	:	Mr. Rakesh Ambastha, AC to AAG-07
For the Respondent/s	:	Mr. Radhika Raman, CGC

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 04-04-2022

Heard the learned counsels for the parties.

In the instant petition, petitioners have prayed for



following reliefs:-

“(i) For a direction in the nature writ of mandamus, directing the Respondent Authorities concerned, to pay to the petitioners equally, the proportionate 1/3rd share amount of the payable money of the petitioners brother late Sushil Kumar Srivastava (since deceased during harness) in respect of the payment against his (deceased brother) Provident Fund, Gratuity, NTPC Death Scheme Amount including Leave Encashment and Group Insurance etc.

(ii) To direct the respondent authorities concerned to furnish the details of the amount payable against the above claim to be paid after death of the petitioners brother namely late Sushil Kumar Srivastava.

(iii) Further respondent authorities concerned may be directed not to allow such payments to any person including the respondent no. 6 also, till the claim of the present petitioners be not settled as already claimed/submitted to the authorities concerned (Annexure 2 Series), or in alternative direct the respondent authorities concerned to consider the representation/ claim of the petitioners already submitted giving details of their claim as rightful/legal sharer of the payments in question to be paid.

(iv) And/or pass any other order/ relief or reliefs to which the petitioners are entitled in accordance with law.”

Petitioners have not established their statutory right that deceased Sushil Kumar Srivastava has nominated



petitioners in the service record for the purpose of claiming any monetary benefits from the official respondents, in particularly, from 4th Respondent. If petitioners still dispute that they are entitled to monetary benefits on account of death of Sushil Kumar Shrivastava in that event they are at liberty to file a civil suit.

With the above observations, the present petition stands dismissed.

(P. B. Bajanthri, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	08.04.2022
Transmission Date	

