

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11158 of 2021

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Hemant Kumar Jha @ Hemant Jha, S/o Late Nand Lal Jha, Resident of
Village- Ranipur, P.O.- Brindavan Ashram, P.S.- Chanpatia, District- West
Champaran.

... .. Petitioner/s

Versus

1. The Union of India through the Ministry of Home Affairs, Mahavir Nagar,
Tilak Nagar, New Delhi.
2. The Director (A/CS) C.R.P.F. New Delhi, Ministry of Home Affairs,
Mahavir Nagar, Tilak Nagar, New Delhi.
3. The Deputy Inspector General of Police, Group Centre, CRPF, Khatkhati,
Assam, P.O.- Gautam Basti, District- Kashi Anglong, Pin- 782480, Assam.
4. The Office Commandant, 153 Battalion, CRPF, Motihari, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Jha, Advocate
For the Respondent/s : Mr. Alok Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 13-12-2022

Heard Mr. Dharendra Kumar Jha, learned counsel for the
petitioner and Mr. Alok Kumar Jha, learned counsel for the Union
of India.

2. By filing the present writ application, the petitioner
seeks the following reliefs:

“(i) For quashing of Letter No.60/2013-
Pension-Group-Centre dated 20.07.2016 issued by the
office of Respondent No.3.

(ii) For quashing of Letter No.60/2013-
Pension-Group-Centre dated 08.08.2016 issued by the
office of Respondent No.3.

(iii) For directing the respondent concerned
consequently to release the death and post retiral



benefits including family pension and the arrears thereof to be paid to the petitioner as guardian of Master Adarsh Kumar, minor son of Late Madhu Devi, deceased employee of Respondent C.R.P.C.

(iv) For any other relief or reliefs for which the petitioner may be found entitled in the facts and circumstances of the case.”

3. The short facts, which led to the filing of the present writ application is that the petitioner before this Court is father of late Madhu Devi, whose marriage was solemnized on 20.05.1997 with one Dhananjay Kumar Misra. The said Dhananjay Kumar Misra was posted at Group Centre, Khatkhati, Assam and he died in harness while working with the Central Reserve Police Force (hereinafter referred to as ‘the CRPF’) on 28.08.2022. It is further submitted that after the death of said Dhananjay Kumar Misra, his wife (Madhu Devi) was appointed in CRPF, as police constable and posted at Group Centre, CRPF, Khatkhati, Assam.

4. Unfortunately, the said Madhu Devi also died in the year 2013 at her village Ranipur, while working as constable. It is the case of the petitioner that late Madhu Devi died leaving behind minor son, namely, Master Adarsh Kumar and he being the maternal grand-father is the guardian looking after the welfare of the child. He next contended that the petitioner, being the natural guardian of the said Master Adarsh Kumar, filed application for payment of death-cum-retiral benefits to the minor son of late



Madhu Devi, namely, Master Adarsh Kumar. However, in the meanwhile, the petitioner received letters dated 16.08.2013 and 10.04.2014 seeking a certificate/order of a competent Court showing him to be a guardian of minor son of Madhu Devi.

5. In response to the aforesaid letter, the petitioner moved before the court of 1st Additional District and Sessions Judge, West Champaran, Bettiah in Guardian Case No. 47 of 2013 seeking declaration of the petitioner as guardian of Master Adarsh Kumar. Learned court below vide judgment dated 23.09.2015 declared the petitioner as natural guardian of Master Adarsh Kumar and it was also declared that the petitioner shall receive pensionary benefits of the deceased mother of Master Adarsh Kumar and the same shall be spent for the benefit of the minor. The copy of the aforesaid judgment along with necessary papers were submitted before the concerned respondent authorities, however, instead of allowing the death-cum-retiral benefits, they came out with the impugned order, as contained in letter no.60/13-Pension, Group Centre dated 20.07.2016 and further letter no.60/2013 dated 08.08.2016 by respondent no.3 whereby the petitioner has been asked to furnish certificate of a competent court showing adoption of Master Adarsh Kumar, son of late



Madhu Devi, the deceased employee of the CRPF, apart from the other requisite documents.

6. It is vehemently submitted that in compliance of the letters issued by the respondent no.3, as contained in Annexures- 3 and 4, the petitioner has obtained Succession Certificate declaring the petitioner as natural guardian of minor Master Adarsh Kumar and the same has been submitted before the concerned authority for payment of death-cum-retiral benefits, but irrelevant objection has been raised, which suggests denial of the rightful claim of the petitioner.

7. Per contra, learned counsel for the Union of India submits that from the materials available on record, it is evident that at one point of time, the petitioner submitted that Master Adarsh Kumar is natural son of late Madhu Devi, whereas in some places it has been shown that he was son of Shailesh Kumar Jha, who has later on adopted by late Madhu Devi and as such in absence of any paper showing proper adoption, the authorities are facing difficulty in ensuring the payment of death-cum-retiral benefits.

8. Having heard the learned counsel for the parties and considering the materials available on record, prima facie, it appears that it is not in dispute that Master Adarsh Kumar is either



natural son or adopted son of late Madhu Devi and moreover once the competent court passed the order declaring the petitioner as natural guardian of Master Adarsh Kumar and the same still holds the field, this Court finds that there would not be any impediment in granting the benefit of death-cum-retiral benefits in favour of the petitioner in terms of the order passed by the competent court in Guardian Case No. 47 of 2013.

9. It is needless to say that if the petitioner will furnish all the other requisite documents, as has been asked for by the respondent no.3, the concerned respondent would consider the claim of the petitioner for death-cum-retiral benefits in terms of the order passed by the learned 1st Additional District and Sessions Judge, West Champaran, Bettiah in Guardian Case No. 47 of 2013 and after completion of all the formalities ensure payment of the death-cum-retiral benefits preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

10. Accordingly, the present writ application stands disposed of.

(Harish Kumar, J)

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AFR/NAFR	
CAV DATE	NA
Uploading Date	19.12.2022
Transmission Date	NA

