

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.420 of 2021
With
Interlocutory Application No. 1 of 2021
In
Civil Writ Jurisdiction Case No.23475 of 2018

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Sapna Suman D/o Late Kanak Lal Ram, R/o Naya Bazar, Kaswa Gola, Ghat Lane, P.O. - Naya Bazar, P.S. - Tatarpur, District- Bhagalpur.

... .. Appellant/s

Versus

1. The State Bank of India through its Chief Manager, Patna.
2. The Chief Manager, State Bank of India, Patna.
3. The General Manager, State Bank of India, Patna.
4. The Regional Manager (Region-I), State Bank of India, Bhagalpur.
5. The Branch Manager, Tatarpur Branch, State Bank of India, Bhagalpur.
6. Lalita Devi, W/o Mahavir Prasad, D/o Kulesh Ram, R/o Village - Bhagaiya Kauri Kuthari, P.S.- Meharna, Godda, Jharkhand, presently residing at Naya Bazar, Kaswa Gola, Ghat Lane, P.O. - Naya Bazar, P.S. Tatarpur, District - Bhagalpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Dharmendra Kumar Paswan
For the Respondent/s : Mr.Namrata Mishra

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

Date : 12-05-2022

Reg.: Interlocutory Application No. 1 of 2021

The present Interlocutory application has been filed for condoning the delay of 103 days, which has taken place in filing of the present appeal.

2. Considering the averments made in the



present petition, we are of the view that sufficient cause has been shown so as to condone the delay in filing the appeal.

Accordingly, I.A. No. 1 of 2021 stands allowed.

Reg.: L.P.A. No. 420 of 2021.

3. The present Letters Patent Appeal has been filed against the order dated 04.03.2021 passed by the learned Single Judge of this Court in CWJC No. 23475 of 2018.

4. The brief facts of the case are that the writ petitioner i.e. the appellant herein had filed a writ petition for directing the respondent authorities to grant pension and other benefits in favour of the appellant herein and her sister.

5. It is the case of the appellant herein that the father of the appellant, who was working as Class-III employee in the State Bank of India, died on 01.09.2012. The mother of the appellant namely Meera Mathur had pre-deceased her husband and expired in the year 2004. After the death of the father of the appellant herein, she and her sister had approached the Respondent Bank for grant of compassionate appointment as also for payment of the post retiral benefits. It is stated that the respondent authorities,



however, started making payment of pension in favour of one Lalita Devi apart from making payment of the gratuity amount to her. As far as the Provident fund amount is concerned, it is stated that the same was paid to the appellant and her sister in the ration of 30% each whereas the said Lalita Devi was paid 40% of the total amount of the Provident fund.

6. The learned counsel for the appellant has contended that the appellant herein had filed a representation before the respondent authorities to stop payment of pension in favour of the aforesaid Lalita Devi since the father of the appellant herein had not remarried after the death of her mother in the year 2004, however, no heed was paid to by the respondent authorities. It is thus submitted that the pension of the aforesaid Lalita Devi should be stopped and the same should be paid to the appellant herein and her sister.

7. Per contra, the learned counsel for the Bank has submitted by referring to the counter affidavit filed in the writ proceedings that father of the appellant herein namely Kanak Lal Ram joined the service of Bank on the post of Clerk on 14.01.1986. He had nominated his first wife Smt. Mira Mathur (mother of appellant) for terminal benefit such as P.F./ Gratuity/



Ex-Gratia/ Insurance etc. However, his first wife died on 22.01.2004 and thereupon Kanak Lal Ram during his life time changed his nomination on 12.04.2007 in favour of Smt. Lalita Devi (Respondent No. 6), second wife- 40%, Sapna Suman (the appellant herein) 30% and Sandhya Suman (appellant's sister)- 30%. The said Kanak Lal Ram (appellant's father) also died on 01.09.2010 while serving on the post of Clerk. Smt. Lalita Devi, the second wife made an application to the Bank for her appointment on compassionate ground in the service of Bank which was received at the Branch on 20.09.2010, but as per the express instructions of Bank, payment of Ex-gratia was applicable in place of compassionate appointment, hence a sum of Rs.3,50,000/- was paid to her.

8. However, it is submitted that the total terminal benefit of Rs. 21,10,234/- was distributed among the legal heirs of Late Kanak Lal Ram as per his nomination, after adjustment/ recovery of the outstanding loan of Rs. 9,37, 835/- (availed by the late employee).

9. It has also been submitted that the terminal benefits have been distributed in the ratio of 40%: 30%: 30% in between the aforesaid Lalita Devi, the



Appellant herein i.e. Sapna Suman and her sister namely Sandhya Suman. The details of the terminal benefits paid to the aforesaid three ladies have been mentioned in the counter affidavit filed by the respondent Bank in the writ proceedings. It is further submitted that once the terminal benefits were received by the nominees, then internal family dispute started between Smt. Lalita Devi (second wife) and Sapna Suman (daughter from first wife) and Sandhya Suman (daughter from first wife). The two daughters fought over the retirement benefits and made representations and complaints to the Bank at various levels though were fully aware that the entire distribution was made in accordance with the nomination of their late father and Bank's instructions and guidelines. It is further contended that though the appellant herein and her sister are fully aware of the nomination made by their late father and have also received their share in terms of the nomination and their mutual consent but they have made several representations making false and frivolous demand of the retiral dues (PF, Gratuity, Pension, Ex-gratia and Insurance) of their late father. It is stated that family pension has been paid to Smt. Lalita Devi, wife of the



late employee in accordance with law whereas the appellant is not entitled for family pension being the married daughter.

10. The learned counsel for the Respondent Bank has also submitted that several letters written by the appellant herein are on record of the Bank wherein aforesaid Lalita Devi has been referred to by the appellant herein to be her step mother. Lastly it is submitted that though the appellant is not eligible for grant of family pension in as much as she was married at the material time, but on account of the nomination made by the father of the appellant herein, the Respondent Bank has been considerate enough to apportion the retiral dues in between the second wife of the deceased employee as also the daughters of the deceased employee i.e. the appellant herein and her sister.

11. Having regard to the facts and circumstances of the case and considering the stand taken by the respondent Bank, as has been detailed herein above in the preceding paragraphs apart from the fact that in case the appellant herein is disputing the remarriage of her father, appropriate remedy lies elsewhere, we do not find any infirmity in the



impugned order dated 04.03.2021, hence, the present appeal stands dismissed sans any merit.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

