

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1676 of 2018

In

Civil Writ Jurisdiction Case No.16196 of 2016

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(i) Rakesh Kumar @ Rakesh Saw, Male, aged about 34 years, S/o Late Malti Devi and Late Devlash Prasad, R/o Village – Raghurampur, Usari, P.S. Shahpur, Danapur, District – Patna

(ii) Mamta Devi @ Mamta Shaw, Female, aged about 50 years, D/o Late Malti Devi and Late Devlash Prasad, W/o Uma Shankar Shaw R/o Village – Nichar Ganj, P.S. Parwalganj, District – Nalanda.

(iii) Rekha Devi, Female, aged about 30 years, D/o Late Malti Devi and Late Devlash Prasad, W/o Arvind Saw, R/o Village – Manjhauli, P.S. Bikram, District – Patna.

... .. Appellant/s

Versus

1. The State Of Bihar through the Principal Secretary, Home Department, Bihar
2. The Principal Secretary, Home Departmental, Bihar, Old Secretariat, Patna.
3. That I.G. Jail, Bihar, Old Secretariat, Patna.
4. The Director of Probation Services, Bihar, Patna.
5. The Principal Probation Officer, Patna, Danapur Jail, Patna.
6. The Treasury Officer, Patna.
7. The Accountant General, Bihar, R-Block, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Siddharth Harsh, Advocate
For the State	:	Mr. Saroj Kr. Sharma, AC to AAG 3
For Accountant General	:	Mr. Raj Nandan Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 10-01-2023

Re: I.A. No. 2 of 2022



Heard I.A. No. 2 of 2022, application for substituting the name of the appellant – Malti Devi, wife of deceased *Devlas Prasad*.

2. For the reasons stated in the application and affidavit, substitution application is allowed. The appellant's counsel is hereby directed to carryout necessary amendment in the cause title during the course of the day.

3. With the consent of the learned counsels for the respective parties, matter is taken up for final disposal.

4. Core issue involved in the present appeal is whether appellants - legal heirs of *Malti Devi* are entitled to certain benefits with reference to her deceased husband or not? Deceased *Malti Devi* is stated to be second wife of deceased *Devlas Prasad*. Claiming any monetary benefits from the State Government with reference to employment of deceased *Devlas Prasad* by the legal heirs - appellants, their names should have been reflected in the service book or any document that deceased *Devlas Prasad* had nominated his second wife *Malti Devi* or appellants - legal heirs of *Malti Devi* as his nominee for the purpose of claiming any monetary benefits like family pension and other benefits.

5. Admittedly, deceased *Malti Devi* or the appellants' names have not been mentioned as nominee of the deceased *Devlas*



Prasad. Accordingly, the appellants have not made out a case so as to interfere with the impugned order dated 20.07.2018 passed in C.W.J.C. No. 16196 of 2016. Hence, L.P.A. stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	17.01.2023
Transmission Date	

