

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6442 of 2021

1. Manish Kumar Sinha Son of Late Naveen Kumar Sinha, Resident of Patan Devi Mandir, Badi Patan Devi Colony, P.O. Gulzarbagh, P.S. Alamganj, Patna City, District-Patna, Bihar-800007 presently residing at Yamuna Path, Harnichak, P.O. Anishabad, P.S. Beur, District Patna.
2. Kumari Manisha, Wife of Gaurav Sinha, Resident of Gauraiya Sthan, Bahri Begumpur, Patna City, P.O. Begumpur, P.S. Bypass, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. The Chief Engineer (Mechanical) Public Health Engineering Department, Vishweshwaraiya Bhawan, Bailey Road, Patna.
4. The Executive Engineer, Public Health Division, Patna West, Patna.
5. The Provident Fund Commissioner, Patna.
6. The Accountant General, Bihar, Patna.
7. Smt. Anita Kumari, Wife of Late Naveen Kumar Sinha, Resident of C/o Niraj Kumar Sinha, Bari Patan Devi Road, P.O.-Gulzarbagh, P.S.-Alamganj, District-Patna, Bihar-800007.
8. Ayan Sinha, Son of Late Naveen Kumar Sinha, Resident of C/o Niraj Kumar Sinha, Bari Patan Devi Road, P.O.-Gulzarbagh, P.S.-Alamganj, District-Patna, Bihar-800007.
9. Anamika, Daughter of Late Naveen Kumar Sinha, Resident of C/o Niraj Kumar Sinha, Bari Patan Devi Road, P.O.-Gulzarbagh, P.S.-Alamganj, District-Patna, Bihar-800007.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Kumar Kaushik, Advocate
For the Respondent no.7	:	Dr.Anjani Pd. Singh, Advocate
For the Respondent/s	:	Mr.S.Raza Ahmad (AAG5)
		Mr.Vishwambhar Prasad, AC to AAG 5

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 13-07-2023

Heard Mr. Kumar Kaushik, learned counsel appearing
on behalf of the petitioners; Dr. Anjani Pd. Singh, learned counsel



appearing on behalf of the respondent no.7 and Mr. S. Raza Ahmad, learned AAG 5 for the State.

2. Learned counsel appearing on behalf of the State informs this Court that the second wife of the deceased employee is entitled for the family pension and the heirs of the first wife of the deceased employee are entitled for the retiral dues. However, it appears that in absence of the succession certificate, steps can not be taken to disburse the family pension to the second wife, who is nominee of the deceased employee. He further submits that the parties have also agreed before the Executive Engineer that they will produce succession certificate.

3. Mr. Kumr Kaushik, learned counsel appearing on behalf of the petitioners and Dr. Anjani Pd. Singh, learned counsel appearing on behalf of the respondent no.7 inform this Court that they have received instructions from their respective clients that both the parties have mutually agreed for amicable settlement with respect to the distribution of the family pension and the retiral dues under different heads to be paid in the manner as mutually agreed by them. They have, however, raised apprehension that in obtaining succession certificate, the matter would be delayed and since the parties have mutually agreed to settle the dispute, the only requirement now remains the genuinity of the heirs as to



whether they are biological sons and daughters of the deceased employee.

4. At this stage, the learned counsel appearing on behalf of the state by way of suggestion submits that the Circle Officer, Patna Sadar/Rural may be directed to certify the genealogical chart as jointly submitted by the parties i.e. petitioner and the respondent no.7. The Circle Officer, Sadar/Rural must ensure to issue the duly certified copy of the genealogical table within two days after submission of the chart jointly signed by the parties, thereafter the Executive Engineer, Public Health Division, Patna (West) (respondent no.4) will make payment of all the retiral dues in accordance with mutually agreed terms and conditions.

5. The District Provident Officer must ensure to make payment of the provident fund amount in agreed terms on the basis of the application submitted by both the parties and in case he finds that the certain deduction records are not in his possession, in that case he must ensure to obtain at his own end considering the fact that the respondent no.7 is an old lady and it is not expected from her to visit each and every office, wherever the deceased employee was posted.

6. All the above exercises as prescribed in this order must be undertaken by the respondent nos.4 (the Executive



Engineer, Public Health Division, Patna West) and respondent no.5 (The Provident Fund Commissioner, Patna) within a period of six weeks and within said period, the retiral dues must be paid to the respective parties on the basis of mutually agreed terms and conditions.

7. Learned counsels appearing on behalf of both the parties upon instruction have informed that a joint application would be filed by them before the appropriate authority i.e. the Executive Engineer, Public Health Division, Patna West (respondent no.4), the Provident Fund Commissioner, Patna (respondent no.5) and the Circle Officer, Patna for obtaining genealogical chart duly certified by the Circle Officer within a period of one week, failure to file a joint application by both the parties, they will not be entitled for any relief as claimed in the writ petition.

8. Considering the nature of dispute involved in the writ petition, this Court would have directed the petitioners to avail appropriate remedy before the competent civil court having jurisdiction, since both the parties have agreed to resolve the dispute amicably. The above direction has been passed in the present writ petition in peculiar circumstances of the case and the same may not be taken as a precedent in any other case.



9. There shall be no order as to costs.

10. With the above observations and directions, the present writ petition is disposed of.

(Purnendu Singh, J)

chn/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	17.07.2023
Transmission Date	NA

