

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6621 of 2020

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Gaurav Kumar, S/o- Late Satish Chandra Sah, R/o- Mohalla - Laluchak,
Ishakchak, P.O. and P.S.- Ishakchak, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Bhagalpur.
2. The District Magistrate, Bhagalpur.
3. The Block Development Officer, Sanhaula, Bhagalpur.
4. The Block Development Officer, Shahkund, Bhagalpur.
5. The Block Development Officer, Pirpanti, Bhagalpur.
6. The Block Development Officer, Rangrachowk, Bhagalpur.
7. Smt. Prem Late Devi, D/o- Ram Ratan Prasad Gupta, Resident of Mohall -
Mathura Nath Ghosh Lane, Burhanath, Bhaglapur, P.s.- Jogsar Adampur,
District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bibhakar Tiwary, Advocate
For the Respondent No.7: Mr. Dhurendra Kumar, Advocate
For the State : Mr. Md. Irshad, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 19-06-2023

Heard Mr. Bibhakar Tiwary, learned counsel appearing on
behalf of the petitioner, Mr. Dhurendra Kumar, learned counsel
appearing on behalf of the respondent no. 7 and Mr. Md. Irshad,
learned AC to learned SC-1 for the State.

2. Learned counsel appearing on behalf of the State seeks
to file hard copy of the counter affidavit.

3. The same is accepted and directed to be kept on record.



4. The petitioner, who is the son of the deceased employee, who had died in harness on 04.09.2019 while he was posted as assistant at Rangrachowk Block, District- Bhagalpur has filed the present writ petition for the death-cum-retiral dues on account of the death of his father. The time, the father of the petitioner had died, petitioner was minor.

5. The present writ petition has been filed by the petitioner claiming himself to be the son of the deceased employee, whose mother (wife of the deceased employee) had pre-deceased the deceased employee. The deceased employee had married with one Smt. Prem Lata Devi (respondent no. 7).

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner is son of the deceased employee and he has the sole entitlement over the retiral dues of the deceased employee namely, Satish Chandra Sah. The grievance of the petitioner is that the respondent no. 7 is not entitled being the second wife of his father.

7. Mr. Dhurendra Kumar has tendered his appearance on behalf of the respondent no. 7 and has not denied that the respondent no. 7 is second wife of the deceased employee.

8. Mr. Md. Irshad, learned counsel appearing on behalf of the State submitted that present writ petition is not maintainable



as the same is pre-mature. The respective parties, if so desire, may file a detailed representation before the District Magistrate, Bhagalpur, along with all the documents and evidences in support of their claim.

9. Considering the relief sought for in the present writ petition as well as the fact that the retiral dues of the petitioner has not been paid to any of the heirs of the deceased employee, the District Magistrate, Bhagalpur, is directed to pass a reasoned order in accordance with law on the basis of the evidences produced by the either parties i.e. petitioner and the respondent no. 7 in support of their claim.

10. The petitioner has made out a case that he is the son of Late Satish Chandra Sah and has sufficient evidence in support of his claim.

11. The District Magistrate, Bhagalpur, must ensure the payment of retiral dues to the petitioner in case he is entitled on the basis of evidences so produced by him in accordance with the government resolution which stands as on date applicable in case in which the two parties have claimed to be the legal heirs of the deceased employee for claiming pensionary benefits.

12. The representation is directed to be disposed of within a period of nine weeks from the date of filing of the



representation.

13. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/Nilmani

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27.06.2023
Transmission Date	N/A

