

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5210 of 2023

Prity Kumari Wife of Late ViJay Kumar Prasad Resident of Vilalge-Belwania,
P.S.-Bihiya, District-Bhojpur.

... .. Petitioner/s

Versus

1. The Regional Manager Reserve Bank of India Patna.
2. The Chief Managing Director, Bandhan Bank, Kolkata Salt Lake City.
3. The Branch Manager Bandhan Bank, Piro, Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shankar Kumar Thakur, Advocate Mr.Gopal Krishna, Advocate
For the RBI	:	Mr.Amit Prakash, Advocate
For the Respondent/s	:	

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 21-08-2023

Heard Mr. Shankar Kumar Thakur & Gopal Krishna,
learned counsels for the petitioner and Mr. Amit Prakash, learned
counsel for the Reserve Bank of India.

2. Mr. Shankar Kumar Thakur, Advocate along with
Advocate-on-Record, Mr. Gopal Krishna, submitted that the
petitioner being the only wife of the deceased employee is entitled
for payment of death-cum-retiral benefits relating to the deceased
employee. Petitioner, in this regard, has fulfilled all the requisite
conditions like providing - death certificate, legal heirs certificate
(in original), postmortem report (three copies), hospital death
certificate, KYC of the deceased employee, nominees, voter card,



adhar etc. along with notarized indemnity bond, as required by the Bank.

3. Learned counsel for the petitioner further made it clear that the Officers of the Bandhan Bank are adamant that the petitioner is required to obtain 'No Objection Certificate' from the other family members in spite of the fact that the authorities of the bank have admitted the fact that the petitioner is the only wife of the deceased employee and she is entitled for payment of all the admissible retiral dues. The deceased employee had not left any nominee behind.

4. Learned counsel further submitted that in any case even if the deceased employee had appointed his nominee then also a nominee is someone who is designated as the person to be custodian of the deceased employee and he is required to make payment to the person entitled in accordance with law. The petitioner being the nominee and wife of the deceased employee, cannot be denied the benefit as claimed by her.

5. Learned counsel for the petitioner in these backgrounds has submitted that the petitioner is willing to file a detail representation along with all the legal requirements before the Branch Manager of the Bank.



6. Mr. Amit Prakash, learned counsel for the Reserve Bank of India submitted that the petitioner is the only wife of the deceased employee and she is entitled for family pension, however, so far retiral dues are concerned, the petitioner is legally bound to provide 'No Objection Certificate'.

7. Having considered the rival submissions of the parties, this Court finds that as the petitioner has confined his prayer that she will file a detailed representation before the Branch Manager of Bandhan Bank (respondent No.3) along with all the requisite documents, which have already been submitted before the Branch Manager of the Bandhan Bank, the Branch Manager is directed to dispose off the representation of the petitioner considering the settled principles of law that "a nominee cannot be treated as being equivalent to an heir or legatee".

8. The Bank has not produced any rules governing the entitlement of the nominee. In absence of any such rules, the law of succession will be made applicable. Therefore, even if it is found that husband of the petitioner has nominated anyone, the nominee would not hold a better right than the legal heir. The Apex Court in the case of *Sarbati Devi and Another v. Smt. Usha Devi*, reported in *(1984)1 SCC 424*, has held as follows -



“12. ...The nomination only indicates the hand which is authorised to receive the amount, on the payment of which the insurer gets a valid discharge of its liability under the policy. The amount, however, can be claimed by the heirs of the assured in accordance with the law of succession governing them.”

9. In the present case, the petitioner being wife of the deceased employee is entitled for the relief claimed in accordance with law. The Manager, Bandhan Bank is directed to pay the retiral dues in accordance with law within a period of four weeks from the date of filing of the representation.

10. With the above observation/direction, the present writ petition is disposed of.

(Purnendu Singh, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	24.08.2023
Transmission Date	

