

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14760 of 2015

1.1. Mr. Yogesh Pathak son of Late Lalan Pathak, Resident of village-
Maruabad, P.S. Mehsi, District- East Champaran.

1.2. Ms. Suman Priya Pathak d/o Late Lalan Pathak, Resident of village-
Maruabad, P.S. Mehsi, District- East Champaran.

... .. Petitioner/s

Versus

1. The Senior Division Manager, Life Insurance Corporation Of India and Ors
2. The Divisional Manager, Life Corporation of India Divisional Office,
Muzaffarpur.
3. The Branch Manager, Life Insurance Corporation of India, Branch Office
Motipur, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Anisur Rahman Mr. Akram Naiyer
For the Respondent/s	:	Mr. Rakesh Kumar Mr. Abhimanyu Vatsa Mr. Rajni Kant Singh Mr. Sameer Sawarn

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 08-02-2023 Heard learned counsel for the parties concerned.

I. A. No. 9469 of 2017 has been filed on behalf of the petitioner stating therein that during the pendency of this application, the sole petitioner, namely, Ms. Gita Pathak, has died on 24.10.2017. Accordingly, the submission is for expunging the name of sole respondent and substitution of her legal heirs, whose details are mentioned in paragraph 3 of the



interlocutory application.

Taking into consideration the nature of prayer, I. A. No. 9469 of 2017 is allowed and the name of the sole petitioner, Ms. Gita Pathak, is expunged and in her place, the legal heirs of the sole petitioner are substituted.

The Office is directed to make necessary correction in the software of this Court.

I. A. 02 of 2023 has been filed on behalf of the petitioners praying therein to amend the relief portion in addition to the relief prayed in this writ application.

By filing the interlocutory application the petitioner has prayed for quashing of the order dated 07.04.2010 issued by the Senior Divisional Manager, LIC, by which the petitioners' father Late Lallan Pathak was removed from service in a disciplinary proceeding under Regulation 39 of LIC of India (Staff), Regulation 1960.

Considering the nature of prayer made in I. A. No. 02 of 2023 is allowed and the relief sought for in the interlocutory application is made part of this writ application.

Learned counsel for the petitioner submits that petitioner's father was acquitted in Criminal Appeal No. 1240/2007 *vide* judgment dated 18.06.2014 passed by Division



Bench of Patna High Court. The judgment of conviction and sentence was set aside.

Learned counsel appearing for the LIC submits that the judgment of acquittal in Criminal Appeal No. 1240/2017 (DB) has been made available to the LIC by the petitioners, copy of which is at Annexure-7 to the I. A. No. 02 of 2023. He further submits that now the financial benefits to the petitioners shall be made by the LIC in terms of the prevailing rules.

In view of the aforesaid submission, the petitioners are directed to file a representation before respondent no. 2-Divisional Manager, LIC, Muzaffarpur raising the claims of retirement-cum-terminal benefits of their father, namely, Lalan Pathak, who retired on 31.05.2010 and died on 12.03.2014.

If the representation is filed by the petitioners within a period of four weeks from today, the respondent no. 2-Divisional Manager, LIC, Muzaffarpur shall consider and dispose the same by a reasoned order in accordance with law within a period of three months from the date of filing of the representation.

Needless to say that if any amount is found payable to the petitioners, the same shall be paid to them within a period of one month from the date of disposal of the representation.



With the aforesaid observation and direction, this writ
application is disposed.

(Anil Kumar Sinha, J)

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