

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14558 of 2023

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Bimla Devi @ Bimla Kumari Wife of Late Sanjay Kumar Resident of
Nathpur Road, Kurthaul, Police Station Parsa Bazar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Labour resources
Department, Bihar, Patna.
2. The Principal Secretary, Labour Resources Department, Govt. of Bihar,
Patna.
3. The Presiding Officer, Industrial Tribunal, Muzaffarpur.
4. The Presiding Officer, Labour Court, Muzaffarpur.
5. The Accountant General, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar, GP- 24
	:	Mr. Anuj Kumar, Advocate
For the AG, Bihar	:	Mr. Chaitanya Swaroop, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-11-2023 Heard Mr. Sanjeev Kumar Singh, learned counsel

appearing on behalf of the petitioner, Mr. Sarvesh Kumar, learned
GP-24 appearing on behalf of the respondent/s and Mr. Chaitanya
Swaroop, learned counsel appearing on behalf of the Accountant
General, Bihar.

2. Learned counsel appearing on behalf of the petitioner
submits that the sister-in-law of the deceased employee was made
nominee as very limited right as has been held by the Apex Court
in the case of **Sarbati Devi and Anr. v. Smt. Usha Devi**, reported
in **(1984)1 SCC 424**, and this Court has also decided the power of
the nominee that nominee is nothing more than an agent to receive
money due and after the death of the employee forms part of his
estate subject to the law of succession applicable to him. In this

case, the wife of the petitioner being the legal representative of the deceased employee is entitled to receive entire amount of family pension and other pensionary benefits which have not been paid to the deceased employee during his lifetime.

3. The Presiding Officer, Industrial Tribunal, Muzaffarpur, who is the appointing authority of the deceased employee, who had died in harness while working on the post of stenographer in the year 2017 is directed to forthwith make payment of pension due to the deceased employee from the date of his death till attaining date of superannuation and, thereafter, fix the family pension of the petitioner from the date of death of the deceased employee. Petitioner is also entitled for other terminal benefits. The entire amount including fixation of pension and family pension payable to the deceased employee and the petitioner respectively and other retiral dues must be paid within a period of 6 weeks from the date of communication of this order.

4. In case of failure by any of the authority or respondent/s of the present writ petition, the petitioner is at liberty to take appropriate legal action against them.

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

(Purnendu Singh, J.)

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