

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1393 of 2024

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1. Baby Singh Wife of Umesh Prasad Singh Resident of Mohalla- Mohanpur, Punaichak, Sundri Bhawan, P.S.- Shashtrinagar, Dist.- Patna.
 2. Umesh Prasad Singh, Son of Lt. Surendra Prasad Singh Resident of Mohalla- Mohanpur, Punaichak, Sundri Bhawan, P.S.- Shashtrinagar, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Govt. of Bihar. Patna.
2. The Under Secretary, Water Resources Department, Govt of Bihar, Patna.
3. The Officer In-charge, Finance Department, Govt. of Bihar, Patna.
4. The Accountant General, Bihar, Patna.
5. Pinki Singh, Wife of Late Dinesh Prasad Singh Resident of Mohalla-
6. Madhuri Kiran, D/o Late Surendra Prasad Singh Resident of Mohlla- Chanakya Nagar, House no.- 199, behind Radhe Shyam Apartment, P.S.- Agamkuan, Dist.- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Choudhary, Advocate
		Ms. Priyanka Kumari, Advocate
For the State	:	Mr. Subhash Pd. Singh, GA3
For the AG	:	Mr. Raj Nandan Prasad, Advocate
	:	Mr. Vishesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-08-2024 Heard Ms. Priyanka Kumari, learned Advocate for the petitioner, Mr. Subhash Prasad Singh, learned Advocate for the State and Mr. Raj Nandan Prasad, learned Advocate for the Accountant General.

2. The petitioners are daughter-in-law and son of the erstwhile employee (Surendra Prasad Singh), has approached this Court seeking a direction upon the respondents to ensure the



payment of proportionate share of the pension and other retiral benefits in view of the decision taken by the authorities concerned.

3. Learned Advocate for the petitioner contended that the father of the petitioner No.2 died on 28.05.2019, thereupon, the younger son of the deceased submitted a representation requesting to make payment of arrears of pension and other benefits of his deceased father. A list of the family members along with other documents were enclosed with the representation.

4. Considering the request of the sons of the deceased employee, the full pension of the deceased employee from the date of his superannuation till his death was sanctioned and the Accountant General was requested vide letter No.4645 dated 23.12.2019 to make payment of the pension amount to the younger son of the deceased, namely, Dinesh Prasad Singh. However, in the meantime, Dinesh Prasad Singh, also died on 31.12.2019. On the death of said Dinesh Prasad Singh, the elder son of the deceased, who is petitioner No.2 before this Court has submitted representation through his wife requesting to make payment of arrears of pension to him since he is the elder son of the deceased.



5. The petitioner No.1 again submitted a representation to make payment of arrears of pension of the deceased employee in three equal shares including Smt. Pinki Singh, wife of the deceased son, Smt. Madhuri Kiran, the daughter of the deceased employee along with the petitioner. Since the name of the petitioner and Smt. Pinki Singh was not entered in the genealogy certificate issued by the office of the Circle Officer vide letter No.1541 dated 11.09.2019 and they did not able to produce any evidence that they are legal heirs of the family members of the deceased employee; the petitioner were directed by letter No.1341 dated 30.03.2022 to submit up-to-date list of family members and succession certificate issued by the competent authority as well as the affidavit jointly sworn by all the three claimants.

6. Learned Advocate for the petitioner contended that since the wife of the deceased Dinesh Singh is not ready to give affidavit and as such till date the pension or other retiral benefits has not been distributed proportionately.

7. At this juncture, learned Advocate for the respondents submitted that since there is a dispute with regard to the claim and as such they have been rightly directed to produce the succession certificate.



8. Considering the nature of the grievance and the averments made in the writ petition, this Court deems it apt and proper to dispose off the writ petition with a direction to the petitioners to produce the succession certificate before the respondent No.2 who shall ensure the payment proportionate to the claim of the petitioners forthwith.

9. The writ petition stands disposed off with the aforesaid direction.

(Harish Kumar, J)

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