

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10410 of 2024

Binod Kumar Jha S/o Late Subodh Narayan Jha Permanent Resident Village and Post Bishanathpur P.S. Bahera District-Darbhangha, State Bihar, PIN 847233. Present Resident-House No.-84, Street No.4, New Indira Complex, Old Faridabad, Hariyana, PIn-121002.

... .. Petitioner/s

Versus

1. Union of India through its Secretary, Ministry of Finance, Department of Financial Service, RRB Section, Banking Division, Jeevan Deep Building, 3rd Floor, Parliament Street, New Delhi-110001.
2. The Chief Manager, Human Resource Management Dept. Central Office, Union bank of India at Union Bank Bhavan, 239, Vidhan Bhavan Marg, Nariman Point, Mumbai, Maharashtra, PIn 400021.
3. The Regional Manager, Union Bank of India, First Floor, Asaram Market, Modal Town, Karnal Hariyana, PIn-132001.
4. The Regional Head R.O. Union Bank of India, Delhi, NCR.
5. The Appellate authority/Asst. General Manager (ERD) Union Bank Of India ,NCR,New Delhi.
6. The Inquiring authority/Chief Manager Enquiry Cell, FGMO, Union Bank of India ,New Delhi (Camp Green Park Branch 3rd Floor.
7. The Branch Manager, of Union Bank of India, Sector-7, Faridabad Branch RO-Delhi NCR.
8. The Deputy Manager, Nodal Regional Office, Union Bank of India, Fraser Road, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ranjit Jha,
For the Respondent/s	:	Mr.Additional Solicitor General
For the Bank	:	Mr. Binod Kumar Jha, Adv
For the U.O.I.	:	Mr. Arjun Kumar, CGC

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-07-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioner is directed to add



Deputy Manager, Nodal Regional Office, Union Bank of India, Fraser Road, Patna as Respondent No. 8 in the present writ petition during the course of the day

3. Office is directed to do the needful.

4. The present writ petition is filed for directing the respondent to make the payment of all death-cum-retiral benefits to the petitioner on account of the Road accidental death of his son who was working as Branch Manager in the Union Bank of India at Faridabad Branch, Sector-7, RO-Delhi NCR.

5. Counsel for the petitioner submits that the petitioner's son had died in a road accident on 08.08.2023 when he was facing the departmental proceeding and his revision was pending before the Revisional Authority.

6. Counsel for the Bank raised two objection. Firstly, the present writ petition suffers from territorial jurisdiction and secondly, he submits that petitioner was already dismissed from his service after departmental proceeding on 03.01.2023 and in the meantime, he died on 08.08.2023. He submits that on the date of death, petitioner's son was not in service. Therefore, he is not entitled for any relief.

7. In the light of the submissions made by the parties,



it transpires to this Court that at the time of death, the petitioner was admittedly not in service. He was dismissed from his service vide order dated 03.01.2023 by the order of the disciplinary authority. He has challenged his dismissal in Appeal but in appeal also the order of the dismissal was affirmed. Thereafter, he preferred a Revision under Rule 18 of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 before the higher authority which is still pending. Therefore, this Court is of the view that no relief could be granted to the petitioner at this level. Only direction can be given to the petitioner is that he may file an application before the Revisional Authority to pursue the revision petition of his son and authority concerned is directed to pass order on merit on the revision petition filed by the petitioner. If the revision petition is allowed then only the petitioner shall be entitled for any benefits.

8. It is made clear that the respondent revisional authority at the time of passing order, in the revision petition shall also look into the matter that “whether the dismissed employee including the father of the deceased employee is entitled for any benefit under the law of the Bank concerned or not ?”



9. Accordingly, this writ petition is disposed off.

(Dr. Anshuman, J)

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