

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.1108 of 2024**

**In**  
**Civil Writ Jurisdiction Case No.14558 of 2023**

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Bimla Devi alias Bimla Kumari Wife of Late Sanjay Kumar, resident of  
Nathupur Road, Kurthaul, Police Station - Parsa Bazaar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Sri Ashok Kumar Chauhan, the Principal Secretary Labour Resources Department, Bihar, Patna.
2. Sri Ashok Kumar Chauhan, the Principal Secretary, Labour Resources Department, Bihar, Patna.
3. Shri Shyam Kishore Jha, Presiding Officer, Industrial Tribunal, Muzaffarpur.
4. Sri Lalan Jee, Presiding Officer, Labour Court, Muzaffarpur.
5. Sri Pushkar Kumar, Accountant General, Bihar.

... .. Opposite Party/s

with

**CIVIL REVIEW No. 215 of 2024**

**In**  
**Civil Writ Jurisdiction Case No.14558 of 2023**

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Vijay Kumar @ Vijay Kumar Prasad Son of Late Vindeshwari Prasad,  
Resident of Village- Vishnupur, P.S.- Ranipur, P.O.- Islampur, District-  
Nalanda-801303.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Labour Resources Department, Bihar, Patna.
2. The Principal Secretary, Labour Resources Department, Government of Bihar, Patna.
3. The Presiding Officer, Industrial Tribunal, Muzaffarpur.
4. The Presiding Officer, Labour Court, Muzaffarpur.
5. The Accountant General, Bihar, Patna.
6. Bimla Devi @ Bimla Kumari, Wife of Not Known, Resident of Village- Nathupur Road, Kurthaul, Police Station- Parsa Bazar, District- Patna.

... .. Opposite Party/s

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**Appearance :**

(In Miscellaneous Jurisdiction Case No. 1108 of 2024)

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| For the Petitioner/s | : | Mr. Sanjeev Kumar Singh, Advocate |
| For the State        | : | Mr. Sarvesh Kumar, GP-24          |
| For the A.G.         | : | Mr. Chaitanya Swaroop, Advocate   |



(In CIVIL REVIEW No. 215 of 2024)

For the Petitioner/s : Ms. Sunita Kumari, Advocate  
Mr. Arun Kumar Prasad, Advocate  
For the State : Mr. Sarvesh Kumar Singh, AAG-13  
For Pvt. Respondent No.6: Mr. Sanjeev Kumar Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

5      27-09-2024                      Heard Mr. Sanjeev Kumar Singh, learned counsel appearing on behalf of the petitioner; Mr. Sarvesh Kumar, learned GP-24 appearing on behalf of the State and Mr. Chaitanya Swaroop, learned counsel for the Accountant General, Bihar in MJC 1108 of 2024 and Ms. Sunita Kumari, learned counsel appearing on behalf of the petitioner; Mr. Sarvesh Kumar Singh, learned AAG-13 appearing on behalf of the State and Mr. Sanjeev Kumar Singh, learned counsel for the respondent no. 6 in Civil Review No. 215 of 2024.

2. Learned counsel appearing on behalf of the opposite parties no. 3 and 4 has referred to paragraphs no. 7, 9, 10, 11, 12 and 13 of the show cause filed on behalf of the opposite parties no. 3 and 4, which inter alia, are reproduced hereinafter:

*"7. That with regard to statement made in the paragraph No. (3) of the contempt application it is stated that Bimla Devi, the petitioner, filed petition for payment of GPF amount of Late Sanjay Kumar, stenographer, in the office of Presiding Officer Labour Court, Muzaffarpur. On such application the service book of Sanjay Kumar was verified and it was found that Sanjay Kumar disclosed the name of Bimal Devi the present applicant as his Bhabhi and she was made nominee in GPF and on that account the entire amount of GPF was paid to Bimla Devi vide order dated 03/07/2018.*

*9. With regard to statement made in the paragraph No- 6 of the contempt application it is stated that the copy of*



*order dated 02/11/2023 passed in CWJC No. 14558/2023 of Hon'ble High Court was received (Served) in the office of the Presiding Officer, Industrial Tribunal, Muzaffarpur. The order was placed on 12/04/2024 and it was sent to the office of Presiding Officer, Labour Court, Muzaffarpur for needful on dated 13/04/2024.*

*10. That with regard to statement made in the paragraph No. 8 to 10 of the contempt application it is stated that the deponents state that after having received the order dated 02/11/2023 passed in CWJC No. 14558/2023 of the Hon'ble High Court the office of Labour Court, Muzaffarpur sent a letter Memo No. 404 dated 23/11/23 to Bimla Devi to submit succession certificate of the deceased employee so that further action as per law may be taken and payment could be made as soon as possible.*

*11. That it is pertinent to mention here that some important and relevant facts need to be stated. That immediately after death of Sanjay Kumar, his brother Vijay Kumar gave an application on 12/06/2017 in the office of Labour Court, Muzaffarpur stating therein that Sanjay Kumar the deceased employee was unmarried and the applicant Vijay Kumar, the brother of deceased employee Sanjay Kumar, is only legal heir of Sanjay Kumar.*

*12. That the letter No. 187 dated 22.01.21 of Labour Resource Department, Government of Bihar was received in the office of Labour Court, Muzaffarpur to make payment of all admissible dues to Bimla Devi.*

*13. That in pursuance of letter Memo No. 187/shr.s. dated 22/02/2021 process regarding payment was initiated. During the Course of inquiry/scrutiny of relevant documents and service book of Late Sanjay Kumar, the deceased employee, it transpires that Sanjay Kumar had disclosed the name of Bimla Devi as his Bhavi and she was made nominee in GPF. From perusal of employee details in CTMIS Portal date it transpires that Rupa Devi was reflecting as spouse in CTMIS. It further transpires that the deceased employee had given declaration with regard to his assets (Assets Declaration) and in that declaration he disclosed the name of Rupa Devi as his wife and Satyam, Luv and Kush as his three children. But neither Rupa Devi nor any child of deceased employee appeared for payment of death cum retiral benefits. The deceased employee himself stated in his service book that Bimla Devi is his Bhabhi."*

3. Learned counsel, upon referring the above paragraphs, has further referred paragraph no. 22 of the show cause that allotment has been received, however, in view of the dispute between the petitioner and one Vijay Kumar @ Vijay Kumar Prasad, the hard earned money of the deceased employee



may not fall in hand of any impostor or any persons, who is not legally entitled to receive the same, they have been advised to bring decree from a competent Court in respect of their respective claim, particularly, the petitioner, who has claimed to be legally wedded wife of the deceased employee, namely, Sanjay Kumar.

4. At this stage, learned counsel appearing on behalf of the petitioner submitted that since the fund has been received, the concerned opposite party may keep the said fund in interest bearing account till the either party submit their entitlement in respect to receive amount of retiral dues and other retiral benefits.

5. In above view of the recorded facts and information given in show cause filed on behalf of the opposite parties no. 3 and 4, I don't find to proceed with the contempt. Accordingly, the present contempt petition is consigned.

6. Civil Review No. 215 of 2024 is also disposed of.

**(Purnendu Singh, J)**

Niraj/-

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