

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13533 of 2023

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Rohit Kumar Son of Late Ram Chandra Resident of Mohalla- East Lohanipur,
Bhushan Gali, Police Station- Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The Municipal Commissioner, Patna Municipal Corporation Patna.
2. The Executive Officer, Bankipur Circle, Patna, Municipal Corporation, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Avinash Kumar, Adv.

For the Respondent/s : Mr. Sanjay Prakash Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 03-01-2024

Heard Mr. Avinash Kumar, learned counsel appearing on behalf of the petitioner and Mr. Sanjay Prakash Verma, learned counsel for the Patna Municipal Corporation.

2. The petitioner is claiming himself to be adopted son of the deceased employee namely, Ram Chandra, who died on 23.12.2007, while working as 4th Grade employee in the Patna Municipal Corporation, has filed the present writ petition seeking a direction upon the respondents to ensure the payment of all the death-cum-retiral dues of the late Ram Chandra.

3. It is submitted on behalf of the petitioner that late Ram Chandra was suffering from several ailments, therefore, in his life time on 10.12.2007 he filed an application before the Executive Officer, Bankipur Circle, Patna Municipal



Corporation stating therein to consider the claim of the petitioner for appointment in place of him. Further, late Ram Chandra taking note of his physical condition had also executed an adoption deed in favour of the petitioner, copy of which has been brought on record vide Annexure-3 to the writ petition. Needless to observe soon after the execution of the adoption deed on 19.12.2007 the erstwhile employee died on 23.12.2007.

4. In support of the claim of the petitioner, a succession certificate dated 04.07.2018 has also been brought on record, copy of which is marked as Annexure-4 to the writ petition. He next submits that despite the valid registered adoption deed and succession certificate in his favour, the respondent-Patna Municipal Corporation is sitting tight over the matter and did not accord the admissible entitlement of his late father.

5. A counter affidavit has been filed on behalf of the respondent Nos. 1 and 2. It is averred that after the death of the deceased employee, Ram Chandra, an application has been submitted by the elder sister namely, Most. Lakshmi Devi stating therein that her brother was unmarried and lived with her and she along with her children had been taking care of him throughout his life time. The sister of the deceased employee



has also submitted two affidavits duly sworn by her along with family description and other documents and claimed for payment of entire death-cum-retiral dues of her deceased brother.

6. Considering the claim of the sister of the deceased, the concerned authority vide letter No. 2121 dated 30.10.2023 directed Mostt. Lakshmi Devi to produce the Succession Certificate issued from the competent court in her favour. However, the fact is, on account of rival claim by both the parties, projecting themselves as legal heirs, the claim of terminal benefits could not be settled.

7. This Court has heard the learned counsel for the respective parties and also perused the materials available on record. Considering the rival claim of the petitioner *qua* the sister of the deceased employee, this Court deems it fit and proper to relegate the matter before the respondent No. 2, who shall issue notice to both the petitioner as well as the sister of the deceased employee namely, Most. Lakshmi Devi and will further direct them to produce valid legal documents in support of their claim within stipulated period. After proper verification and examination of the documents/certificates, the respondent No. 2 shall pass necessary order for payment of death-cum-



retiral benefifts in accordance with law.

8. The entire exercise must be completed within a period of 12 weeks from the date of receipt/production of a copy of this order.

9. The writ petition stands disposed of with the aforementioned observations and directions.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	08.01.2024
Transmission Date	

