

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1444 of 2023

In

Civil Writ Jurisdiction Case No.618 of 2023

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1. Vikash Kumar Son of Late Yogendra Prasad Shrivastava.
 2. Arun Kumar @ Arun Kumar Shrivastava Son of Late Yogendra Prasad Shrivastava
 3. Pankaj Kumar @ Pankaj Kumar Shrivastava Son of Late Yogendra Prasad Shrivastava
 4. Sanju Devi widow of Late Sanjay Kumar Shrivastava Son of Late Yogendra Prasad Shrivastava,
All Resident of Village - Punak, P.S. - Darauli, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Under Secretary, Water Resources Department, Government of Bihar, Patna.
4. The Superintending Engineer, Saran Canal Division, Chapra.
5. The Executive Engineer, Saran Canal Division, Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamala Kant Tiwary, Advocate
For the Opposite Party/s : Mr.Vikash Kumar (SC11)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 18-07-2025 Heard learned counsel appearing on behalf of the
petitioners and the learned counsel for the State.

2. Petitioners seeks modification in Paragraph No.3 of
order dated 19.04.2023 passed in CWJC No.618 of 2023 to the
extent that the period granted to the Respondents to pay the
petitioners all the retiral dues relating to the deceased employee,
Late Yogendra Prasad Shrivastava, who had retired from the



service in the year, 1995 and died on 29.09.2020 has already expired.

3. Petitioners seek modification of order dated 19.04.2023 on the ground that 'Succession Certificate' and the 'No Objection Certificate' from the other legal representatives of the deceased employee is required to be filed.

4. In this regard, vide order dated 19.04.2023, the Additional Chief Secretary, Water Resources Department, Government of Bihar was directed to ensure payment of all the retiral dues payable to the petitioners, if they produce Succession Certificate and the No Objection Certificate of the deceased within a period of three weeks from the date of order (i.e. 19.04.2023).

5. Petitioners in the present modification application have given information that the Succession Certificate Case No.6 of 2025 has been filed before the learned Subordinate Judge-I (Sr. Division), Siwan and the same is pending for adjudication as a result Succession Certificate can only be filed once the order is passed in the Succession Case No.6 of 2025.

6. I find that sufficient reasons have been given by the petitioners due to which the 'Succession Certificate' and the 'No Objection Certificate' could not be filed.



7. In that view of the information and the inability of the petitioner the order dated 19.04.2023 passed in CWJC No.618 of 2023 is modified to the extent that in case the petitioners produce Succession Certificate and No Objection Certificate from the other legal representative of the deceased employee, the Additional Chief Secretary, Water Resources Department, Government of Bihar is required to ensure payment of all the retiral dues payable to the petitioners well within a period of three weeks from the date of submission of the Succession Certificate and No Objection Certificate. Accordingly, the contents as contained in Paragraph No.3 is deleted and substituted as below.

8. Accordingly, the Paragraph No.3 of order dated 19.04.2023 is required to be read as follows : -

“3. The Additional Chief Secretary, Water Resosurces Department, Government of Bihar, Patna is directed to ensure payment of all the retiral dues payable to the petitioners upon the production of Succession Certificate and No Objection Certificate from other legal representatives of the deceased employee within a period of three weeks from the date of submission of aforesaid documents.” Other parts of order dated 19.04.2023 passed in CWJC No.618 of 2023 shall



remain intact.

9. Accordingly, the present modification application stands disposed of.

(Purnendu Singh, J)

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