

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5643 of 2026

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1. Pushpa Devi, W/o Late Rabindra Kumar, Resident of Rabindra Niwas, Mohalla- Station Road, Jamalpur, District- Munger.
 2. Ritesh Kumar, S/o Late Rabindra Kumar, Resident of Rabindra Niwas, Mohalla- Station Road, Jamalpur, District- Munger.
 3. Radhika, D/o Late Rabindra Kumar, Resident of Rabindra Niwas, Mohalla- Station Road, Jamalpur, District- Munger.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railway, Govt. of India, New Delhi.
2. The General Manager, Eastern Railway, 1st Floor, Netaji Subhas Road, Fairlie Place, BBD bagh, Kolkata, West Bengal-700001.
3. The Divisional Railway Manager, Eastern Railway, Malda Town, West Bengal-732102.
4. The Senior Divisional Electrical Engineer (G), Eastern Railway, Malda Town, West Bengal-732102.
5. The Senior Divisional Engineer-II, Eastern Railway, Malda Town, West Bengal-732102.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shivendra Kumar Roy, Adv.
For the Respondent/s : Mr.Additional Solicitor General

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

3 24-06-2026 Heard learned counsel for the parties.

2. The present writ petition has been filed for the
following relief(s):-

“a) To hold and declare that the actions of the Respondents concerned in not considering the representation dated 31.1.2026 which was submitted to the Respondent Authorities by the petitioners as the class-I legal heirs of the deceased contractor- Late Rabindra Kumar for



releasing the contractual dues in connection with LOA bearing No.EL/MLDT/25/22/37 of 2017-18 dated 17.1.2018 issued by the Electrical Department, Eastern Railway, Malda Division and also in connection with LOA bearing No.OAM/2/38/19-20/SBG/Z-32 dated 1.8.2019 issued by the Engineering Department, Eastern Railway, Malda Division is arbitrary, illegal and in violation of the fundamental and constitutional rights guaranteed to the petitioners under Article-14 & Article-300-A of the Constitution of India and further, is also violative of certain other legal rights of the petitioners.

(b) For issuance of writ/order in the nature of Mandamus directing the Respondents concerned and more specifically, the Respondent No. 4 to consider the representation dated 31.1.2026 submitted by the petitioners and accordingly, release the remaining contractual dues of Rs.4.58 lacs in connection with letter of acceptance bearing No.EL/MLDT/25/22/37 of 2017-18 dated 17.1.2018 in favour of the petitioners as being the class-I legal heirs of the deceased contractor-Late Rabindra Kumar.

(c) For issuance of writ/order in the nature of Mandamus directing the Respondents concerned and more specifically, the Respondent No. 5 to consider the representation dated 31.1.2026 submitted by the petitioners and accordingly,



release the remaining contractual dues of Rs.5.21 lacs and further, also return the Performance guarantee amount of Rs.1.25 lacs deposited in the form of FDR along with interest in connection with letter of acceptance bearing No.OAM/2/38/19-20/SBG/Z-32 dated 1.8.2019 in favour of the petitioners as being the class-I legal heirs of the deceased contractor- Late Rabindra Kumar.

(d) Consequently, for issuance of a writ in the nature of Certiorari quashing the letter bearing No. W-7/Misc. dated 14.1.2026 issued by the Senior Divisional Engineer-II, Eastern Railways, Malda i.e. Respondent No.5 herein along with the enclosed letter bearing No.E.59/Legal Vetting/Electrical /2026 dated 13.1.2026 issued by the Law Officer, Eastern Railways, Malda whereby and wherein, the petitioner no.1 has been asked to submit the Succession Certificate issued by a Competent Court of law to claim the release of the pending bills of the awarded contracts to the deceased contractor- Late Rabindra Kumar.

(e) For issuance of writ in the nature of Mandamus directing the Respondents concerned to make payment of interest to the petitioners at the rate of term deposit on the remaining contractual dues in connection with letter of acceptance bearing No. EL/MLDT/25/22/37 of 2017-18 dated 17.1.2018 and in connection with



letter of acceptance bearing No.OAM/2/38/19-20/SBG/Z-32 dated 1.8.2019 w.e.f. June'2020 i.e. the date on which the remaining contractual dues became due and payable till the date of payment.

(f) For any other relief / reliefs as your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioners submits that the petitioners are the legal heirs of Late Rabindra Kumar, who was a contractor engaged by the Respondent-Railways. It is submitted that during the lifetime of Late Rabindra Kumar, he was awarded and the contract for the work he executed the works. The amounts claimed under the bills submitted in respect of the works executed remain unpaid till date and are payable to the petitioners, being the legal heirs of Late Rabindra Kumar. That the authorities are not paying the due amounts to Petitioner No. 1, who is the wife of Late Rabindra Kumar, even though Respondent Nos. 2 and 3, being the son and daughter of Late Rabindra Kumar, have submitted that they have no objection if the amount is paid to their mother, Smt. Puspa Devi. Learned counsel submits that, out of the three works executed by Late Rabindra Kumar, the authorities have already paid the amount due under



one contract to the wife of the deceased, i.e., petitioner no. 1 herein. However, insofar as the other two contracts are concerned, the authorities are insisting for the production of a succession certificate. Learned counsel submits that there is no dispute among the petitioners herein either with regard to the disbursement of the amount or with respect to the legal heirs of the deceased, as there are no legal heirs other than the three petitioners. That the petitioners have submitted a Legal Heir Certificate issued by the concerned Circle Officer, however the Respondent-Railways are not accepting the same. Learned counsel submits that the present writ petition may be allowed and the Respondent-Railways may be directed to pay the amounts due to the petitioners herein in respect of the works executed by Late Rabindra Kumar.

4. In the counter affidavit filed by the Respondent-Railways, the factum of completion of the work by Late Rabindra Kumar has not been disputed. However, the authorities have taken the stand that unless and until a succession certificate issued by the competent Civil Court is produced by the petitioners, they are not in a position to release the amounts due. Further a specific stand has been taken in the counter affidavit stating that the succession



certificate from a competent court of law will conclusively establish the entitlement of the claimants and safeguard the interest of the Government against any future disputes, claims or liabilities.

5. This Court is of the opinion that the insistence on a succession certificate from the competent Civil Court is without any legal basis, particularly when there is no dispute among the legal heirs regarding succession or the disbursement of the amounts payable. When there is no inter se dispute between the legal heirs of Late Rabindra Kumar. The authority cannot force the parties to approach the Civil Court for succession certificate. The stand of the Respondent-Railways in insisting upon the production of a succession certificate is without any legal basis and deserves to be deprecated, particularly when there is no dispute among the legal heirs.

6. Further, it is to be noted that in the counter affidavit, the authorities have stated that, in order to safeguard against any future disputes, they are insisting upon the production of a succession certificate by the claimants is also misplaced. The said concern can be adequately addressed by requiring the legal heirs to furnish an indemnity affidavit



indemnifying the Railways against any future claims or liabilities that may arise in the event any other person asserts entitlement to the due amounts. A Single Judge Bench of the Delhi High Court, in *W.P.(C) No. 10594 of 2022* dated 10.02.2026, in similar circumstances, held in paragraphs 10, 11 and 12 as under:-

*“10. The Karnataka High Court in **Union of India Department of Postal and Telegraph and Another vs. Smt. Seethamma** has held as under:*

5. Insofar as the second condition of Sri Prakash Shetty is concerned, admittedly, the respondent has produced the legal heirship certificate issued by the Tahsildar, which is a valid document. To draw the family pension, no succession certificate is required. In addition to that her name would be found in the service records of late P.N. Rama Iyengar. Unfortunately, the service records have not been looked into before filing this appeal.

11. It is well settled that a succession certificate ought not to be insisted upon as a matter of course where the legal heirship



is undisputed and stands duly established. In the absence of any rival or competing claims, and where the identity and entitlement of the legal heirs are clearly verified, the competent authority may release retiral benefits, pensionary dues, compensation. Nothing contrary has been submitted by learned counsel for the respondent.

12. Having considered the overall prospectus of the facts and situation and in absence of their being any specific requirement under both the Office Memorandums, the Court finds that insistence for production of the succession certificate is not called for. The respondents are accordingly directed to act upon the petitioner's request on production of survivorship certificate.

7. Having regard to the above and also the reasons given in the above paragraphs, the present writ petition is allowed. The Respondent-Railways is directed to release the amounts due to the petitioners as expeditiously as possible preferable within a period of eight weeks from the date of receipt of a copy of this order without insisting for production of the succession certificate. In case the authorities require any



indemnity affidavit, the petitioners shall be notified accordingly, and on such notice, the petitioners shall furnish an affidavit indemnifying and absolving the Railways of any future liability in respect of any claims relating to the amounts paid.

8. In case the petitioners make any representation seeking payment of interest on the outstanding amounts due, they shall be at liberty to do so. The competent authority shall consider the said representation and dispose of the same in accordance with law.

9. With the above directions, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy , J)

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