

(2010) 01 PAT CK 0005
In the Patna High Court

Kamleshwari Devi

APPELLANT

Vs

The State Bank of India

RESPONDENT

Date of Decision : 11-01-2010

Acts Referred:

Citation : (2010) 2 PLJR 95

Hon'ble Judges : Jyoti Saran, J

Bench : Single Bench

Judgement

Jyoti Saran, J.—Heard the learned Counsel for the parties.

2. The petitioner is the widow of Late Sukhu Ravidas who died in harness on 16.4.2005 while in the service of the respondent Bank working against the Class IV post.

3. The petitioner has enclosed a nomination form in Form "F" prescribed under the rules of the State Bank of India placed at Annexure-3 to the writ petition wherein late Sukhu Ravidas had nominated the petitioner for receiving the retiral benefits as admissible to him.

4. It appears that a rival claim was set out by Meena Devi claiming to be the daughter of Late Sukhu Ravidas. It is stated by her that late Sukhu Ravidas was married to her mother Rampati Devi who expired leaving her behind. The said Meena Devi questioned the claims of the writ petitioner to receive the retiral benefits. It also appears that a title suit has been filed by said Meena Devi in the court of the Sub Judge-I, Gaya for a declaration of being rightful heir to receive the retiral benefits of Late Sukhu Ravidas giving rise to T.S. No. 319 of 2006.

5. A counter affidavit has been filed on behalf of the Bank and in para-14 thereof, it has been stated that in view of the disputes and counter claims raised by the petitioner and the said Meena Devi, the Bank vide letter dated 23.8.2006 has directed the petitioner as also the said Meena Devi to submit their respective claims along with supportive documents on 11.9.2006 to enable the Bank to take necessary action in this matter. While endorsing a copy to Meena Devi, she was

asked to bring any injunction order of the Court in support of her claims failing which the bank would be disbursing the retiral benefits admissible to Late Sukhu Ravidas to the petitioner.

6. It is contended that pursuant to the said order, none of the parties presented themselves before the Bank.

7. Learned Counsel appearing for the petitioner submits that in view of a categorical admission made on the part of Late Sukhu Ravidas that the petitioner is his wife and in view of nomination filed by him, there should not be any dispute or confusion in payment of the admissible amount of the retiral benefits to her. It is further submitted that mere filing of a civil suit should not restrain the Bank from handing over the rightful claim to her on behalf of her husband. He, further, submits that the very fact that despite three years having lapsed and said Meena Devi has not produced any injunction order, is sufficient ground for not allowing the said Meena Devi to create a cloud on her just and rightful claim.

8. Upon consideration of such rival contentions and materials on record, it is manifest that a statutory nomination form was filed by Late Sukhu Ravidas in favour of the petitioner authorizing her to receive the retiral benefits on his behalf. It is another issue that the said Meena Devi is seeking a share in the retiral benefits by raising a dispute as regarding the identity of the petitioner by claiming to be the daughter of Late Sukhu Ravidas and which is yet to be adjudicated by the competent Civil Court where the matter is pending. It is also undisputed that no injunction order has been produced by her restraining the Bank from disbursing the claim as per the nomination form (Annexure-3).

9. Having given anxious consideration to the issue and materials on record, the writ petition is disposed of with a direction to the respondent bank to take final decision in accordance with law in the light of the statements in the nomination form and pay the retiral benefits to the petitioner within a period of three months from the date of production of a copy of this order.

10. The writ petition is disposed of with the direction aforesaid.