

State of Bihar and Others

Vs

Chhangur Prasad Seth

Civil Appeal No. 3364 of 1996

(K. Ramaswamy, G. B. Pattanaik JJ)

05.02.1996

ORDER

1. Leave granted.

2. We have heard the counsel for the parties. This appeal by special leave arises from the order of the Division Bench of the High Court of Patna made on 11-11-1993 in CWJC No. 13107 of 1992. Admittedly one Shyama Devi was a teacher who died on 17-8-1988. She nominated certain persons to be entitled to receive the GPF etc. on her behalf. It would appear that three persons laid the claim which was accordingly made over. When the respondent claimed to be the son of a brother of the deceased, he was asked for the succession certificate. By the time he produced the certificate, the amount had already been paid to the claimants. Therefore, the respondent filed a writ petition. The Division Bench of the High Court allowed the writ petition and directed to make the payment to him. Thus this appeal by special leave.

3. In view of the fact that the State had discharged the liability in terms of the nomination by the deceased teacher, the inter se claim, if any, have to be adjudicated only on the regular constituted forum and the State cannot be compelled to pay twice over on the succession certificate produced by the respondent. Under these circumstances, the direction issued by the High Court is clearly illegal.

4. The appeal is accordingly allowed. The order of the High Court is set aside. If any other claim is to be discharged, the same may be done in accordance with law. This order does not preclude the respondent from taking action according to law.