

STATE OF BIHAR AND ORS.

v.

CHHANGUR PRASAD SETH

FEBRUARY 5, 1996

[K. RAMASWAMY AND G.B. PATTANAİK, JJ.]

*Service Law :*

*General Provident Fund—Death of Teacher—Claim by nominees—Paid by State—Subsequently deceased's brother's son also making claim—Produced Succession certificate—High Court directing payment to him—Held: State had discharged liability in terms of nomination by the deceased—Cannot be compelled to pay twice over on succession certificate being produced—Claim to be adjudicated only on the regular constituted forum in accordance with law.*

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 3364 of 1996.

From the Judgment and Order dated 11.11.93 of the Patna High Court in C.W.J.C. No. 13107 of 1992.

H.L. Aggarwal, B.B. Singh, for the Appellants.

A.K. Pandey for the Respondents.

The following Order of the Court was delivered :

Leave granted.

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 November 11, 1993 in CWJC No. 13107/92. Admittedly one Shyama Devi was a teacher who died on August 17, 1988. She nominated certain persons to be entitled to received the G.P.F. etc. on her behalf. It would appear that three persons laid the claim which was accordingly made over. When the respondent claimed to be 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,

- A 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.

- B 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.

- C 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 to take action according to law.

G.N.

Appeal allowed.