

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.451 of 2015

Smt. Doli Rani Ghosh wife of Late Hira Lal Ghosh, Ex-Head Clerk, Electric Supply Division, Purnea, resident of Mohalla Subhash Nagar at P.O. + P.S. and District- Purnea, Bihar, Pin Code- 854301

.... Petitioner/s

Versus

1. The State of Bihar, through District Magistrate, Purnea
2. The Chairman-cum-Managing Director, Bihar State Power Holding Company Ltd. Vidyut Bhawan Bailey Road, Patna- 800021
3. The Managing Director, North Bihar Power Distribution Company Ltd. Vidyut Bhawan Bailey Road, Patna- 800021
4. The Deputy General Manager cum Electrical Superintending Engineer, Koshi Electric Supply Area, At P.O. + P.S. and District Saharsa

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ramnandan Kr. Sinha, Adv.
For the Respondent/s : Mr. Nawal Kishore Singh, SC2
Mr. Anand Kumar Ojha

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 12-03-2015

Heard learned counsel for the parties as with regard to the following prayer made in this writ application:-

"1. That this is an application for issuance of a writ of mandamus directing the respondents to make payment of retirement benefit and death compensation as the petitioner's husband who was deputed for election duty by the Respondent No.1 vide order dated 10.02.1995 directing the petitioner's husband for election duty on the date of Poll on 09.08.1995 in Party No.133 and the petitioner husband accordingly proceeded on election duty where he died on polling both No. 125 Dhamdaha election constituency where he died on 15.03.1995 due to heart attack on duty. The petitioner has not been paid full retirement benefit and death compensation of her husband as per Rule which she is legally entitled.

It is therefore humbly prayed that a direction may kindly be issued to the respondents to make payment of full salary till date of retirement of the petitioner's husband by Respondent No.3 and death compensation a admissible by Respondent No.1 with admissible interest and cost of litigation."

Learned counsel for the petitioner has submitted that when the husband of the petitioner had died while performing election duty on 10.2.1995, the petitioner, being the widow, will not only be entitled for death compensation but also full salary of her husband till the date of his retirement. When this Court has put a question from learned counsel for the petitioner as to under which provision of law, the Bihar State Electricity Board was required to pay full pension, he has shown a blank face and has got no authority for claiming such relief.

As a matter of fact, Mr. Anand Kumar Ojha, learned counsel for the respondent, has also informed this Court that the petitioner was/is being paid her family pension ever since the date of death of her husband. To that extent, he relies on the pension payment order no. 245/1995 dated 11.11.1995. According to Mr. Ojha, such family pension also has been revised from time to time and is being regularly paid to the petitioner till date.

In view of the above, this Court must hold that the petitioner has been paid her retirement benefit and, therefore, if the claim for death compensation is the real cause of concern, this writ application

must be held to be misconceived.

This writ application is, accordingly, dismissed.

Nothing said in this order, however, will come in the way of the petitioner in approaching the appropriate forum for claiming death compensation of her husband as is permissible in law.

(Mihir Kumar Jha, J)

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