

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14776 of 2011

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1. Triyogi Narayan Kumar S/O late Ramagya Kumar, Asha Sadan, Bajaria,
P.O.- Motihari, P.S.- Banjaria, Distt.- East Champaran

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary Human Resources
Bihar, Patna
2. The Accountant General, Bihar, Patna
3. District Provident Officer, Motihari, East Champaran
4. The District Magistrate, Motihari, East Champaran
5. The District Education Officer, Motihari, East Champaran
6. The Chairman, District Board, Motihari, East Champaran
7. The Headmaster, Mojib Girls High School, Motihari, East Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : NONE

For the Respondent/s : Mr. Anshuman Singh, GP 24
Ms. Namrata Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI
ORAL ORDER

4 21-01-2015 None has appeared on behalf of the petitioner.

However, Ms. Namrata Mishra, learned Counsel, appearing on behalf of Accountant General, Bihar, Patna, and Mr. Anshuman Singh, learned Government Pleader No.24, appearing on behalf of the State-respondents, are present.

With the help of this application, made under Article 226 of the Constitution of India, the petitioner, the husband of late Asha Singh, who was Headmistress in Mojib Girls High School, Motihari, East Champaran and died during her service period, on 15.02.2009, has sought for the issuance of a *writ* in the nature of

mandamus to the respondents for the following reliefs:

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- (i) To pay all the *death –cum- retiral* benefits of deceased employee late Asha Singh to the petitioner with interest.
 - (ii) To fix and pay the family pension to the petitioner and his unmarried daughter forthwith.
 - (iii) To pay the dues salary for the month of January and February, 2009.
 - (iv) To pay panel compound interest on all the dues.
 - (v) To pay compensation to the petitioner for unnecessary harassment and delaying the payment of *retiral -cum- death* benefit including the family pension.
 - (vi) To any other relief(s) for which the petitioner is entitled to.

By filing counter affidavit, learned counsel, appearing on behalf of respondent No.2, submits that on receipt of sanction order along with pension papers from the Education Department, Bihar, Patna, vide letter No. 2068, dated 31.08.2012, authority has been issued, vide letter No. PEN-100912021041/201212021488PO, GO, dated 24.09.2012, for payment of full family pension/DCRG. Similarly, authority has

also been issued, vide No. 1426-28, dated 21.11.2012, for encashment of unutilized earned leave of 229 days, amounting to Rs. 2,58,610/- and also corrigendum, vide letter No.2009 and 2009(A), dated 15.01.2013, to Treasury Officer, Motihari, for payment to the petitioner.

Since the averments made in the counter affidavit has not been disputed, this writ petition is disposed of on the ground that grievances of the writ petitioner have already been met, with, however, liberty granted to the writ petitioner to approach this Court with appropriate application, in future, if so advised, and also to take recourse to such provisions of law as may be permissible.

(I. A. Ansari, J.)

Mkr./-

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