

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 25762 of 2013

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Lal Muni Devi W/o Late Pulish Roy Resident of Village Kanhauli,
Mansipur, P.O. Kanhauli, P.S. Mahua, District Vaishali.

.... Petitioner

Versus

1. The B.R.A. Bihar University, Muzaffarpur through the Registrar of the University.
2. The Vice Chancellor, the B.R.A. Bihar University, Muzaffarpur.
3. The Registrar, the B.R.A. Bihar University, Muzaffarpur.
4. The State of Bihar through the Principal Secretary, HRD, Deptt. Govt. of Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad No.-1
For the Respondent/s : AC to Addl. Advocate General – 10
Mr. Dhruv Mukherjee

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7. 23-01-2015 Heard learned counsel for the petitioner, learned A.C. to Addl. Advocate General – 10 as well as learned counsel, who appears on behalf of B.R.A. Bihar University, Muzaffarpur (in short “University”).

The petitioner, who claims to be wife of an employee, who died long back on 03-04-1997, has approached this Court invoking its writ jurisdiction by filing a petition, which was filed in the month of December, 2013, with a prayer to direct the respondents to grant benefits of family pension under Triple-Benefit-Scheme (Appendix – A), in view Notification issued by the University i.e. Notification No. B/1135/ dated 07-06-2006

(Annexure '6' to the present petition).

It has been argued by the learned counsel for the petitioner that the said notification was finally approved by this court in 2006, in a case which has been reported in **2007 (1) P.L.J.R. 241 (Vyas Narain Singh v. B.R.Ambedkar Bihar University)**. He has relied on paragraphs 6, 13, 19 & 20 of the said judgment.

The petitioner, in the writ petition, has disclosed that her husband died while working as Peon in the year 1997. At the time of death, he had completed 22 years of service. After the death of the husband of the petitioner, the petitioner was immediately appointed on compassionate ground in the year 1997 itself. Subsequently, in the year 2002, the petitioner was paid provident fund with employee's share. It has been stated in the writ petition that the said benefit, as per Appendix B and C of the Regulation 1 of the Retirement Benefit Scheme of 1982, was given.

In this case, a counter affidavit has been filed on behalf of respondent no. 1 to 3 and a separate counter affidavit has been filed by respondent no. 4. In the counter affidavit of respondent no. 1 to 3, an objection has been raised that after such belated stage, this petition may not be entertained. It has been

specifically stated that the petitioner has been paid death-cum-retirement benefit in respect of the deceased husband, as per option contained in Appendix 'B' about eleven years back.

Fact remains that the payment, as per the scheme, was received by the petitioner in the year 2002 itself. Even thereafter, on perusal of the writ petition, it is evident that no demand of justice was made by the petitioner. No such representation has been brought on record and the present writ petition has been filed in the year 2013 itself. Suddenly, in the year 2013, the petitioner has claimed for granting benefit of the family pension under Triple Benefit Scheme, as per Appendix - A. Since the petitioner has approached this Court at much belated stage, that too after receiving the benefit under Appendix – B and C that was received in the year 2002 as well as the fact that no demand of justice was made before approaching the Court for issuance of writ of mandamus, the writ petition may not be entertained.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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