

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7264 of 2015

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Most. Saraswati Devi wife of Late Shatrughan Prasad Kunwar C/O Basant Kumar,
Resident of Shri Ram Path New Jakkanpur P.S. Jakkanpur District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary Co-operative Department Government of Bihar, Patna.
3. The Registrar Co-operative Societies, Government of Bihar, Patna.
4. The Secretary Co-operative Department Government of Bihar, Patna.
5. The Joint Secretary Co-operative Department Government of Bihar, Patna.
6. The Deputy Secretary, Government of Bihar, Patna.
7. The District Co-operative, Officer Samastipur.
8. The District Provident Fund Officer, Samastipur.
9. The Treasury Officer, Patna.
10. The Accountant General Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Vinay Prasad Singh @ Sanjay, Advocate.
For the State : Mr. Uma Shankar, G.P. IV.
For the A.G., Bihar : Mr. Rabindra Kumar Priyadarshi, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 07-10-2015

Heard learned counsel for the parties.

The widow has moved the Court seeking payment
of family pension and other retiral dues.

The admitted position is that the late husband of
the petitioner superannuated in the year 1988 and died in
February, 2015.

As per the stand in the counter affidavit filed on
behalf of the respondents no. 2 to 6, the final pension and gratuity
was sanctioned by the department under Letter No. 533 dated
21.02.2004. It is also their stand that due to there being no
records with the department relating to details of service rendered



by the late husband of the petitioner, payment of leave encashment and also due to non submission of any application for final withdrawal of GPF amount, the same are still unpaid. It is their further stand that despite several reminders in this regard, the husband of the petitioner never turned up to complete the formalities or provide the information which was lacking and necessary for making payment.

The copy of the counter affidavit was served on learned counsel for the petitioner on 07.09.2015 but no rejoinder to the same has been filed. It appears that letters were written to the late husband of the petitioner way back in the year 2003 onwards and also notice was published in the newspaper in the year 2005 but still neither the required information nor the formalities were completed by the late husband of the petitioner.

Learned counsel for the State has also raised a preliminary objection and submits that the cause of action arose in the year 1988 and the writ petition has been filed only in the year 2015 and the husband being alive till February, 2015 and not approaching the Court, the writ petition is hopelessly time barred and the Court ought not to interfere in the matter.

Upon hearing learned counsel for the parties, though this Court finds substance in the objection raised by learned counsel for the State but since the matter relates to the retiral benefits and family pension of the widow, the writ petition is disposed off with a direction to the respondents no. 3 and 7 to

10, to ensure that family pension is paid to the petitioner. With regard to the GPF, the petitioner shall fill up the requisite forms and submit it within four weeks from today. The payment of unutilized leave and all other remaining dues shall also be made to the petitioner in terms of the records available with the department. The said exercise be completed and payment made to the petitioner within three months from the date of production of a copy of this order before the respondents no. 3 and 7 to 10.

(Ahsanuddin Amanullah, J.)

P. Kumar

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