

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15445 of 2010

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1. Uttim Raj Kunwar, wife of late Jamindar Singh,
2. Harendra Singh Son of Late Jamindar Singh
3. Dharmendra Kumar Singh Son of Late Jamindar Singh
4. Chanchal Kumar Singh Son of Late Jamindar Singh
5. Upendra Kumar Singh, son of late Jamindar Singh.
6. Miss Puja Kumari Daughter of Late Jamindar Singh
All of Resident of Village - Cheta Bigha, P.O. - Ketaki, P.S. - Deo, District
- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Accountant General, Bihar, Patna
3. The District Superintendent of Education, Aurangabad.
4. The Block Education Extension Officer, Nabinagar, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Navjot Yeshu, Advocate.
Mr. Rajeev Kumar Singh, Advocate.

For the Respondent/s : Mr. Mayank Rukhaiyar, AC to GA 1.

For the A.G. : Mr. Binod Kumar Labh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

14 07-05-2015

Heard learned counsel for the parties.

2. This Court, on perusal of the prayer of the petitioners in this writ application, would find that the original petitioner Jamindar Singh had come out with his grievance both in respect of payment of salary and retirement benefit, has now been paid to the petitioners/his legal heirs and successors and that fact has also been admitted in the reply to the counter affidavit stating that a sum of Rs. 4,50,921/- has been paid to the wife of the original petitioner.

3. The issue as to whether the husband of the petitioner was entitled for payment of salary, firstly not being a retirement benefit and also there being a dispute pending before the authorities where the vigilance enquiry is going on, is not capable of being decided in this writ application.

4. In that view of the matter, while this writ application is disposed of, it is made clear that nothing said in this order shall come in the way of the substituted petitioners to claim payment of salary of the original petitioner late Jamindar Singh in accordance with law.

(Mihir Kumar Jha, J)

Sujit/-

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