

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1005 of 2014

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Budhani Devi Wife Of Late Shobhit Paswan Resident Of Village- Budh
Nagar, Police Station- Nanpur, District- Sitamarhi

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Sitamarhi
3. The Sub-Divisional Magistrate, Sitamarhi (East), District- Sitamarhi
4. The Circle Officer, Nanpur, District- Sitamarhi
5. The Officer-In-Charge, Nanpur Police Station, District- Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Adv.

For the Respondent/s : Mr. Satish Narain Singh, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

5 06-02-2015

Heard learned counsel for the parties.

Having regard to the fact that the petitioner in this writ application has claimed for payment of death-cum-retirement benefit of her husband late Shobhit Paswan who had died on 16.8.2008 and the respondents, in their counter affidavit, have explained that such retirement benefit, payable to the deceased employee and consequently to the petitioner, has already been sanctioned, this writ application has become infructuous.

Learned counsel for the petitioner submits that the petitioner has also prayed for payment of arrear of salary admissible to her husband.

As noted above, this writ application was filed in the

garb of retirement benefit and, therefore, the petitioner ought to have not mixed up the relief of payment of salary. In that view of the matter, this Court would refuse to go into the question of payment of arrear of salary regarding which the respondents have taken a stand in their counter affidavit that the same was denied on the principle of 'no work no pay'.

It would be, however, open for the petitioner to take any other recourse for claiming payment of arrear of salary of her husband as may be permissible in law.

(Mihir Kumar Jha, J)

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