

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2694 of 2013
In
Civil Writ Jurisdiction Case No. 13514 of 2012

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Most. Nirmala Devi, wife of Late Janardan Labh, Resident of Mohalla-
Kayasth Tola Saharsa, P.S. Town Saharsa, District- Saharsa

.... Petitioner/s

Versus

1.The State of Bihar

2.R.B.Sinha, S/o not known to the petitioner, Accountant General, Bihar,
Patna

3. Upendra Kumar, son of not known to the petitioner, District Magistrate,
Madhepura

4.Chandra Kant Chowdhary, son of not known to the petitioner, Block
Development Officer, Murliganj, Madhepura

5.Md. Jahangir, son of not known to the petitioner, Treasury Officer,
Madhepura

.... Opp.Parties

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 12-08-2015

Heard learned counsel for the petitioner and

learned counsel for the State.

It appears from the various documents on the record and the show cause filed on behalf of the State that the total amount to be paid to the petitioner was Rs. 6,35,741/- out of which Rs. 3,57,447/- has been paid provisionally and the remaining amount payable would be Rs. 2,78,294/-. Further, an amount of Rs. 55,673/- is admittedly payable towards the balance of subsistence allowance and difference of 1st and 2nd ACP with effect from 9.8.1999.

It is the stand of the opposite parties that the said amounts are not being paid as the petitioner did not deposit the amount of Rs. 96,896/- which is part of unadjusted advance taken

by the petitioner's husband while he was in service.

A supplementary affidavit has been filed today in which the petitioner has given undertaking that on account of her being dependent upon family pension and under medical treatment she is not in a position to deposit Rs. 96,869/- and the opposite parties may deduct the said amount of Rs. 96,869/- from the entire dues payable to the petitioner and pay her the balance amount of Rs. 2,37,098/-

In view of the aforesaid undertaking on affidavit made by the petitioner herself this Court is of the view that the opposite parties ought to pay the balance amount payable to the petitioner within a period of four weeks from today after deducting an amount of Rs. 96,869/- as undertaken to be deducted by the petitioner herself.

The contempt application is, accordingly, disposed of with the aforesaid observation.

Let the final pension be also fixed and in case of any further amounts found payable to the petitioner, the same may also be paid to her expeditiously.

(Ramesh Kumar Datta, J)

S.Pandey/-

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