

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4417 of 2015

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Tetra Nesha W/o Late Mahammad Mozuddin Ansari, Resident of Village-Semrauna, P.s.- Fulwariya, District- gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate , Gopalganj.
3. The District Programme Officer (Establishment) Gopalganj.
4. The Block Education Officer Block- Bhore, Distt. Gopalganj.
5. The Treasury Officer, Gopalganj. null null
6. The Headmaster, Rajkiya Uttkramit Madhya Vidyalaya Ram Nagar, Block- Bhore, District- Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava, Adv.

For the Respondent/s : Mr. Subodh Kumar, AC to GP14

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 03-04-2015 Heard learned Counsel for the parties as with regard to
the following prayer made in this writ application:-

"For issuance of writ/writs, order/orders, direction/directions in the nature of mandamus for commanding/directing the respondents to pay the entire retiral dues i.e. family pension, Gratuity and other admissible retiral dues to the petitioner, who is widow of Late Mohamad Majudin Ansari, who retired as Headmaster from Rajkiya Uchh Madhya Vidhyalaya Ram Nagar, Block-Bhore, District-Gopalganj on 30.11.2013 and died on 30.04.2014."

Having regard to the very very vague pleading in the writ application wherein the widow petitioner claims death cum



retirement benefit including family gratuity and other retiral dues of her husband late Mahammad Mozuddin Ansari, this Court is not in position to issue any direction for payment of such retirement benefit. As a matter of fact, even this much has not been stated by the widow petitioner as to when her husband had entered in service and whether he had completed the qualifying service as prescribed under the Bihar Pension rules. Nonetheless, as the petitioner claims that she has been paid the amount of leave encashment of her husband and the also some amount of L.I.C., this Court, without expressing any opinion, would deem it expedient in the ends of justice to direct the District Programme Officer (Establishment) Gopalganj to examine the claim of the petitioner and if it is found that the husband of the petitioner was entitled for grant of pension and gratuity as well as other retirement benefit, immediate action should be taken by sanctioning the pension and gratuity and sending them to the office of the Accountant General for authorization. This however must be done within a period of three months from the date of receipt of this order and if the Accountant General finds that there would no objection in payment of pension to the husband of the petitioner as also family pension to the petitioner, the same must be authorized within a period of one month from the date of receipt of the pension papers and sanction order from the District

Programme Officer (Establishment) Gopalganj and/or District Education Officer, Gopalganj.

As with regard to payment of amount of rest of the retirement benefit including the amount of P.F., the petitioner will have to approach the District Provident Fund Officer, Gopalganj and if the latter finds that there is subsisting provident fund account and also balance therein in the name of husband of the petitioner, payment thereof with statutory interest also must be paid to the petitioner within the same period of three months from the date of filing of the representation by the petitioner enclosing a copy of this order.

Happens it be that either the District Programme Officer (Establishment), Gopglaganj and/or the Distinct Provident Fund Officer, Gopalganj finds that the petitioner is not entitled for receipt of such payment of post retirement benefit of her husband for any justified reason, the same also must be communicated to the petitioner within the same period of three months.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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