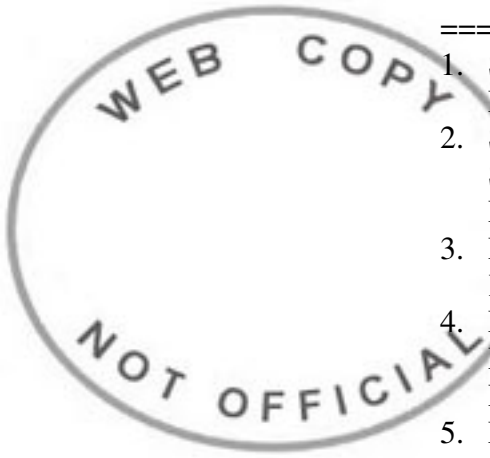


**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16100 of 2011**



- =====
1. Sanjay Kumar Sinha Son Of Late Lal Mohan Sinha Resident Of Mohalla Katra, P.O.- Chapra, P.S.- Bhagwan Bazar, District- Saran
  2. Suraj Deo Kumar Sinha @ Suraj Kumar Sinha Son Of Late Lal Mohan Sinha Resident Of Mohalla Katra, P.O.- Chapra, P.S.- Bhagwan Bazar, District- Saran
  3. Durga Kumar Sinha Son Of Late Lal Mohan Sinha Resident Of Mohalla Katra, P.O.- Chapra, P.S.- Bhagwan Bazar, District- Saran
  4. Mukesh Kumar Sinha @ Chotu Kumar Sinha Son Of Late Mohan Sinha Resident Of Mohalla Katra, P.O.- Chapra, P.S.- Bhagwan Bazar, District- Saran
  5. Manju Devi Sinha Daughter Of Late Lal Mohan Sinha Resident Of Mohalla Katra, P.O.- Chapra, P.S.- Bhagwan Bazar, District- Saran
  6. Kiran Sinha Daughter Of Late Lal Mohan Sinha Resident Of Mohalla - Katra, P.O.- Chapra, P.S.- Bhagwan Bazar, District- Saran

.... .... Petitioner/s

Versus

1. The State Of Bihar, through Urban Development Department, New Secretariat, Patna
2. Chapra Nagar Parishad, Chapra through Its Executive Officer, At & P.O. & P.S.-Chapra District- Saran
3. The Chairman, Chapra Nagar Parishad , Chapra, At & P.O. & P.S.- Chapra District- Saran
4. The Executive Officer, Chapra Nagar Parishad, Chapra, At & P.O & P.S.- Chapra District- Saran
5. The Life Insurance Corporation Of India, Chapra Branch through Its Branch Manager At- Mission Compound, P.O.- Chapra, P.S.- Chapra Town, District- Saran

.... .... Respondent/s

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**Appearance :**

|                                 |   |                                  |
|---------------------------------|---|----------------------------------|
| For the Petitioner/s            | : | Mr. Mahesh Narayan Parbat, Adv.  |
| For the Respondents no. 2 to 4: | : | Mr. Rakesh Kumar Tiwary, Adv.    |
| For the Respondent no. 5 LIC :  | : | Mr. Rajeev Ranjan Prasad, Adv.   |
|                                 |   | Mr. Nilanjay Chatterjee, Adv.    |
|                                 |   | Mr. Akash Chaturvedi, Adv.       |
|                                 |   | Mr. Rajhwendra Kumar Singh, Adv. |
|                                 |   | Mr. Sudhanshu Trividi, Adv.      |
| For the State                   | : | Mr. GAutam Bose, Adv.            |
|                                 |   | Mr. Vikash Jha, Adv.             |

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN**  
**AMANULLAH**  
**ORAL ORDER**

4 13-08-2015

Heard learned counsel for the parties.

The present writ application has been filed by the petitioners for a direction to the respondent Chapra Municipality to pay the pension due to their late father and thereafter the mother who are since deceased.

Learned counsel for the respondents have raised a preliminary objection and submit that the father of the petitioners died on 02.10.1992 and thereafter the mother also died in the year 2008 but during the entire period, they had not approached either before the authorities or the Court. It is thus submitted that there is genuine difficulty in locating the records of such an old matter by the Municipality and also the Life Insurance Corporation of India Limited where according to their rules, the records are destroyed after 10 years and the policy under which payment is claimed matured in the year 1991 itself.

Upon considering the facts and circumstances of the case and submissions of learned counsel for the parties, this Court is inclined to uphold the objection of learned counsel for the respondents, more for the reason that the real beneficiary i.e., the employee himself or his wife are now no more alive.

Accordingly, this Court finds that no relief can be granted on the ground of delay and laches and accordingly, the writ petition stands disposed off.

However, learned counsel for the Corporation

submits that if anything is found due to be paid on account of pension/family pension to the father/mother of the petitioners, they shall settle the matter within three months.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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