

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2527 of 2015

- =====
1. Sukho Rai
 2. Dukho Rai

Minor sons of Late Domai Rai Resident of village - Ranicola, Police Station - Kadwa, District - Katihar (In the Guardianship of their grandmother Most. Dibya Devi wife of Late Jogendra Rai as the mother of the aforesaid two minor sons of the deceased employee has also passed away)

.... Petitioners

Versus

1. The State of Bihar
2. The District Magistrate, Katihar
3. The Superintendent of Police, Katihar, District - Katihar
4. The Block Development officer, Kadwa, District Katihar
5. The Accountant General, Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Ojha, Adv.
For the Respondent/s : Mr. Anuj Kumar, AC to SC7
For the A.G.Bihar : Mr. Satyendra Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 17-03-2015 Heard learned counsel for the parties.

The prayer of the petitioner in this writ application reads as follows:

“That the present writ petition is being filed on behalf of the petitioners above named who are minors and since their mother too has passed away, the present application is being filed by the grandmother as the natural guardian who son late Domai Rai was posted as Chaukidar in the Kadwa Police Station and died on 11.5.2008 in harness. Thereafter subsequently the mother of the petitioner Most. Neema also passed away on 29.10.2008 and in the aforementioned circumstances the petitioner prays for a direction to the respondent authorities to compute and pay the entire post

retirement dues as well as the family pension in the facts and circumstances of the case.”

Today a counter affidavit has been filed wherein the respondents have accepted the liability of death cum retirement benefit of late Domai Rai and to that extent the statement made in paragraphs no. 5 and 6 of the counter affidavit being relevant is quoted hereinbelow:

“5. That the petitioners are the minor sons of late Domai Rai who had been working as Chaukidar since 16.10.1996 in Kadwa Police Station in the district of Katihar and died on 11.5.2008 during his service period. As per the writ petition their mother (wife of the said Chaukidar) has also died. This writ petition seems to have been filed through their grandmother who is the only surviving natural guardian.

6. That the sanction for payment of retiral benefits had been given by the D.M., Katihar on 12.12.2008 and the same was communicated by the Sr. Dy. Collector, District General Section, Collector, Katihar vide his memo No.30/Samanya dated 10.1.2009. The matter has been considered afresh. No. G.P.F. account had been opened in the name of the said Chaukidar and hence he had deposited no amount towards GPF. Bills for other retiral benefits i.e. unutilized Earned leave salary having amount 83,550.00, Gratuity having amount 96,083.00 and Group Jiwan Bima having amount 20,456.00 have been withdrawn and same shall be paid to the legal heirs of the deceased Chaukidar. The pension paper is being prepared and the same shall be sent

to the A.G. Bihar immediately.”

In that view of the matter, this Court would direct the respondents to make payment of admissible amount of retirement benefit including pension within a period of three months from the date of receipt of this order.

This application is, accordingly, disposed of.

(Mihir Kumar Jha, J)

surendra/-

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