

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4689 of 2015

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Renu Sharma wife of Late Kamlesh Sharma resident of village Barisavan,
P.S. Shahpur District Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar of Bihar.
2. The District Magistrate, Banka.
3. The District Magistrate, Jamui.
4. The Chief Engineer (Mechanical) Irrigation Mechanical Division, New Punaichak Patna.
5. The Executive Engineer (Mechanical) Irrigation Mechanical Division, Bounsi, District Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abinash Kumar, Adv.

For the Respondent/s : Mr. Sumant Kumar Singh, AC to GA-3

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 06-04-2015

Heard learned counsel for the parties.

Having regard to the fact that the husband of the petitioner, holding the post of Junior Engineer in the Irrigation Mechanical Division, Bounsi in the district of Banka, had died in harness and there seems to be a dispute with regard to the taking over charge of the man, money and material under his control, this Court would find the non-payment of death-cum-retirement benefit of late Kamlesh Sharma to be not free from the zone of dispute. As a matter of fact, the office order dated 24.11.2014 is itself an evidence of the fact that direction had been issued to the Manoj Kumar Rai, Store Keeper to make inventory and take-over charge of the office of the husband of the petitioner with due intimation to the petitioner. Thus, if the

petitioner does not know as to what has happened after 24.11.2014, though this writ application was filed on 26.3.2015, all that this Court can say is that only when a No Dues Certificate shall be issued as with regard to the charge of man, money and material under late Kamlesh Sharma, the petitioner will be entitled for payment of her death-cum-retirement benefit of her husband.

This court, however, would direct the Executive Engineer (Mechanical) of Irrigation Mechanical Division, Bounsi, Banka to ensure that whatever has to be done for finalizing the charge report of late Kamlesh Sharma must be done within a period of two months from the date of receipt of this order so that the amount, if any, to be recovered from Mr. Sharma is quantified and mentioned in the N.O.C. for processing of the payment of death-cum-retirement benefit of late Kamlesh. Shama payable to the petitioner.

Nothing said in this order, however, will come in the way of the competent authority in sanctioning and also paying the provisional family pension to the petitioner.

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

(Mihir Kumar Jha, J)

Rishi/-

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