

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18675 of 2011

Along with

Interlocutory Application No. 944 of 2015

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Shail Kumari Devi W/o Late Ramanand Pandey, D/o Jagdish Dubey R/o Village-
Mahuari, P.O.- Upari, P.S.- Ramgarh, District- Kaimur (Bhabhua).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Primary Education, Government of Bihar, Patna.
3. The District Superintendent of Education, Bhabhua, District- Kaimur.
4. The Accountant General, State of Bihar, Patna.
5. The Collector, Kaimur, Bhabhua.
6. The Commissioner, Patna Division, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Dwivedi, Sr. Adv.
Mr. Parth Gaman, Adv.
Mr. Ranjan Kr. Dubey, Adv.
Mr. Rakesh Chandra, Adv.
Mr. Sanjeeta Sharma, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 07-12-2015

Heard learned counsel for the parties.

Pursuant to order dated 27.11.2015, the Principal Secretary, Department of Education is present along with the District Superintendent of Education, Bhabhua. The Principal Secretary submits that as the post of Secretary, Primary Education is vacant, he has appeared.

The Principal Secretary submits that he has joined only on 25th November, 2015 and upon going through the

records, he takes a categorical stand that there has been delay and laches on the part of the District Authorities and only upon his specific direction to immediately take remedial measure, the matter has now been taken to its logical conclusion by sanctioning 100% family pension to the petitioner.

From the supplementary counter affidavit filed on behalf of the Department today, it transpires that the order sanctioning payment to the petitioner has been forwarded to the concerned authorities by various orders though all passed in the month of December, 2015 itself.

Learned counsel for the petitioner submits that actual payments have not been made pursuant to such orders, upon which learned counsel for the State and Accountant General submit that it takes a few days for the same; however it is assured that payment shall be made to the petitioner upon the formalities being completed from her side.

In view of the aforesaid, the Court is not taking action against the officers concerned for their casual approach and not having acted promptly in light of the earlier order of the Court passed in January, 2015, for the reason that the Principal Secretary has informed the Court that he shall be taking appropriate action against the Field Officers for not having acted in accordance with law in terms of the said order.

Accordingly, the writ petition stands disposed off with a direction to the respondent no. 4 to issue necessary

authorization within 10 days from today. The petitioner shall thereafter appear before the Treasury Officer, Kaimur with the authority letter issued by the respondent no. 4 and the Treasury Officer shall ensure that all formalities are completed within two working days. Upon the same being done, actual payment shall also be made to the petitioner within the next one week.

Re.: Interlocutory Application No. 944 of 2015

The Interlocutory Application has been filed on behalf of Pratibha Kumari claiming to be the daughter of the late husband of the petitioner from the second wife seeking payment of part of the retrial benefits. In view of the order dated 22.01.2015 and also the fact that before the Department there is no record to show that the applicant of the Interlocutory Application is the daughter from another wife, the authorities cannot be faulted in not acceding to the claim. It goes without saying that the applicant after getting an order from the Civil Court of Competent Jurisdiction with regard to her status *vis-à-vis* the deceased employee, shall be at liberty to approach the authority concerned for getting her share of the benefits in accordance with the order of the Court concerned. Thus, the Court finds no occasion to pass any positive order on the Interlocutory Application which stands disposed off.

The Court would also observe that the writ petitioner shall be obliged to give an undertaking before the authorities that she would abide by and comply with whatever

order which may be passed in the title suit filed by the applicant of I.A. No. 944 of 2015 with regard to deciding the rights of various parties.

The personal appearance of respondents no. 2 and 3 stand dispensed with.

(Ahsanuddin Amanullah, J.)

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