

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.769 of 2014

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Munda Devi Wife of Late Kedar Pathak, resident of Village- Gajhara, Via-
Kutauna, District Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Art and Culture, Government of Bihar, Patna
3. The Director (Museum), Department of Art and Culture, Government of Bihar, Patna
4. The Director, Bhagalpur Museum, Bhagalpur
5. The Director, Chandradhari Museum, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.

For the Respondent/s : Mr. Madhuresh Prasad

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

5 10-02-2015 Heard learned counsel for the parties as with regard to
the following relief sought in this writ application:-

"That this writ petition is being filed for a direction upon the respondents to make payment of GPF amount along with up-to-date statutory interest and other post retiral benefits of the petitioner as mentioned in Para-7 of the petition as petitioner has retired on 31st of March 2012 from Chandradhari Museum, Darbhanga from the post of Chowkidar-cum-Night Guard."

Having regard to the stand taken by the respondents in
Para-4 to 7 of the counter affidavit reading as follows:-

"4. That it is most humbly submitted that all the

admissible dues to petitioner including pension, gratuity, group insurance as well as G.P.F., has already been paid to the petitioner, except the amount of leave encashment, but that too has been sanctioned and the bill has been sent to treasury for payment.

5. That it is most humbly submitted that as per letter dated 07.02.2015 bearing no. 16 issued under signature of Drawing and Disbursing Authority an amount of Rs. 1,02,019=00 was paid to the petitioner under the head Group Insurance, vide T.V. No. 35 dated 22.12.2012 and an amount of Rs. 2,08,894 was paid under the head Provident Fund vide T.V. No. 97 dated 20.05.2013.

6. That further it is relevant to submit that the authority for payment of Pension and Gratuity has been issued by Accountant General, Bihar, Patna on 13.03.2014 vide authority slip no. 20141141508.

7. That it is most humbly submitted that on 11.02.2014, vide letter bearing no. 69 the encashment of unutilized leave has already been sanctioned for 81 days and the bill has been sent to the treasury for payment."

it has to be essentially held that this writ application now has become infructuous on account of payment of most of the retirement benefit of the deceased Kedar Pathak, the original petitioner.

That being so, this writ application is disposed of with

a direction to the Director, Chandradhari Museum, Darbhanga to ensure that the remaining admissible and still payable amount beyond what has already been paid as fully explained in aforesaid paragraphs no. 4 to 7 of the counter affidavit, if not already paid to the petitioner by now must be paid to the petitioner, the wife of Late Kedar Pathak within a period of one month from the date of production/receipt of this order.

(Mihir Kumar Jha, J)

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