

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6105 of 2016

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Sarswati Devi wife of Late Shankar Prasad Vishwakarma, resident of
Village Mansoorchak, Police State Lakhisarai in the district of Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Irrigation Department, Government of Bihar, Patna.
2. The Principal Secretary, Minor Irrigation Department, Government of Bihar, Patna.
3. The Chief Engineer, Minor Irrigation Department, Patna.
4. The Executive Engineer, Tube Well Division, Munger.
5. The District Provident Fund Officer, Munger.
6. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

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

For the Respondent Nos. 1 to 5: Mr. Madanjeet Kumar, G.P. 20

For the Respondent No. 6 : Mr. Bindhyachal Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 16-09-2016 Heard the parties.

The petitioner, claiming to be the widow of the deceased employee who allegedly died on 8.8.1991 in harness, has filed the present writ petition for payment of death-cum-retiral dues of the deceased employee, fully enumerated in paragraph-1 of the writ petition.

In view of the nature of grievances/claims raised on behalf of the petitioner in the present writ petition, this Court is of the opinion that instead of keeping the matter pending and asking the respondents to file their counter-affidavits, the interest of justice shall be sub-served if the petitioner is granted liberty to file a fresh comprehensive representation before the respondent no. 3 with all supporting documents and raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a fresh comprehensive representation is filed on behalf of the petitioner within a period of one month from today with all supporting documents as also a certified copy of the present order, then the respondent No.3 either himself or any other competent authority of the respondent State, as per his endorsement, shall be obliged to consider and decide the claims of the petitioner by a reasoned and speaking order, after giving an opportunity of hearing to the petitioner and others, if any, at an early date preferably within a period of three months from the date of filing of such representation.

If on consideration of the materials the competent authority comes to a conclusion that claims raised on behalf of the petitioner are admissible to her, then consequential order shall also be issued for grant of such admissible claims without any unnecessary further delay.

This is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner in the present writ petition and this is left to be decided by the competent authority strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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