

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5821 of 2015

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1. Munga Kuer wife of Late Manik Chand Ram Resident of village- Jehanabad,
P.O.- Kudra, P.S.- Kudra, District- Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Urban Development, Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Chairman, Dehri, Dalmianagar Municipality, Dehri-on-sone, District- Rohtas.
4. The Executive Officer, Dehri, Dalmianagar Municipality, Dehri-on-sone, District- Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Respondent/s : Mr. MADHURESH PRASAD

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 18-05-2016

Heard the Counsel for the petitioner as well as the respondent Nagar Parishad, Dehri, Dalmianagar. Counter affidavit is filed on behalf of respondent no. 4.

The husband of the petitioner served the Office of Respondent no. 4 as Senior Assistant and Retired on 1.3.2003. It is stated that on 13.5.2003, he died. The petitioner being wife collected certain details of payment or details in respect of her husband and later in 2013 filed an application for payment of post retiral dues of her husband.

Counter affidavit states that on a claim raised in this regard and on perusal of the records of the Nagar Parishad, a sum of Rs. 1,74,317/- was found payable to the petitioner under the head gratuity and leave encashment which has already been paid to the

petitioner through cheque dated 11.01.2016. Counsel for the petitioner states that the husband may also be entitled to payment of G.P.F. and Group Insurance amount.

To this, the Counsel for the respondent Nagar Parishad states that way back in the year 1991, option was called for from the employee to opt either for C.P.F. or for the pension. The option was to be exercised with certain conditions. Nothing has been said in the application about the option exercised by the husband of the petitioner. However, it appears on the strength of certain informations derived under Right to Information Act such claim is being raised by the petitioner.

In my view, cause of justice shall be sub-served, if the petitioner is granted an opportunity to raise a claim for payment of other dues which according to her remained unpaid supported by all relevant documents in her possession before the Executive Officer of the Nagar Parishad. If any such representation is filed, I am sure the respondent Executive Officer will make necessary enquiries from the records available in the Nagar Parishad and take appropriate decision and/or pass appropriate orders in accordance with law as quickly as possible preferably within two months of such filing/presentation.

(Kishore Kumar Mandal, J)

Pankaj/-

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