

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10052 of 2014

=====

Mosmat Rekha Devi, W/o Late Ganesh Ram @ Ganesh Manjhi, R/o village
- Argasa Road, P.S. Kasim Bazar, District - Munger

.... Petitioner

Versus

1. The State of Bihar through Deputy Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna
2. The District Magistrate, Munger, District - Munger
3. Municipal Commissioner, Municipal Corporation, District - Munger
4. The Accountant General, Bihar, Patna

.... Respondents

=====

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 25-11-2016 Heard learned counsel for the petitioner and learned counsels for the Munger Municipal Corporation, the State and for the Accountant General, Bihar.

The petitioner has come up to this Court for payment of the admitted death-cum-retiral dues on account of death of her husband while in service with the respondent Municipal Corporation.

It is stated that the respondents have paid an amount of Rs.1,13,752/- to the petitioner vide cheque dated 12.9.2013 but neither the details with regard to the said payment as to under what heads they had been given nor any further payment has been made. It is further submitted that the family pension has also not been fixed nor is being paid.

Learned counsel for the Municipal Corporation submits that there is a dispute between the petitioner and one Bhago Devi, who also claims to be the wife of the deceased employee. Reference is made to an application dated 12.8.2013 filed both by the petitioner and the said Bhago Devi stating therein that they have arrived at an agreement for being paid 3/4th and 1/4th of the



dues respectively.

In my view, the payment of post retiral dues has to be made in accordance with law and not as per any understanding or agreement between the parties. Only a person legally entitled to receive the said amount can be given the payment by the respondent Corporation. It is the duty of the competent authority of the Municipal Corporation to decide the claim of the two alleged wives before him and pass an appropriate order as to the entitlement to family pension and other post retiral dues.

In the aforesaid view of the matter, the writ application is disposed of with a direction to the respondent No.3 to ensure that the post retiral dues of the deceased employee, Ganesh Ram @ Ganesh Manjhi are paid to the legally entitled heirs of the said employee within a period of four months from the date of receipt/production of a copy of this order. For the said purpose, he shall issue notices to the said Bhago Devi as also the petitioner and after examining their respective cases and hearing them pass a speaking order and ensure payment to the proper person, including any other heir of the deceased employee in accordance with law.

(Ramesh Kumar Datta, J)

spal/-

U			
---	--	--	--

