

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4758 of 2014

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Jiriya Devi Wife Of Late Sarvan Kumar Resident Of Mohalla - Khalashi
Mohalla P.S. Buxar (Town) District - Buxar

.... Petitioner/s

Versus

1. The State Of Bihar Through Chief Secretary Govt Of Bihar Old Secretariate, Patna
2. The Regional Development Commissioner Cum Chairman, Sone Command Regional Development Agency, Sone Bhawan Virchand Patel Path, Patna
3. The Secretary Sone Command Regional Development Agency Sone, Bhawan, Daroga Prasad Rai Path, Patna
4. The Chief Engineer Sone Command Regional Development Agency Sone Bhawan, Daroga Prasad Rai Path Patna
5. The Superintending Engineer Sone Command Regional Development Agency Sone Bhawan, Daroga Prasad Rai Path Patna
6. The District Magistrate, Cum - Collector, Patna
7. The Executive Engineer, Sone Command Development Agency Khagaul, Patna
8. The Accountant General, Biahir, Birchand Patel, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deelip Kumar Jha
For the Respondent/s : Mr. Anil Kr.Sinha, G.A.No.9.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

4 22-10-2016 Learned counsel for the Accountant General Bihar submits that he is not a necessary party.

As such, let the respondent no.8 be deleted from the arrays of respondent.

Learned counsel for the State as well as Mr. Lalan Kumar, A. C. to Mr.Naresh Dixit, learned counsel appearing for respondents no.2 to 7, SCADA, are present.

The husband of the petitioner, namely, Late Sarvan Kumar died in harness on 5.4.2002 while he was serving in Sone Command Area Development Agency. The petitioner who happens to be his wife has filed this writ application.

A counter affidavit has been filed on behalf of SCADA wherein it has been asserted that all the retiral dues of the petitioner's husband has been paid to the petitioner way back in the year 2002-2003 soon after his death.

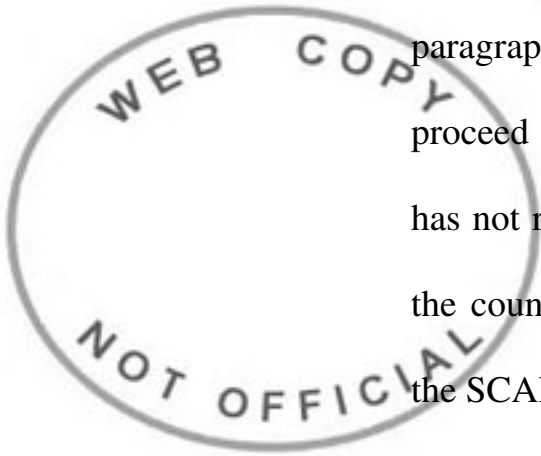
Paragraphs 6 and 7 of the counter affidavit is quoted hereinbelow:-

“6. That it is stated that after the death of husband of petitioner, namely, Late Sarwan Kumar, the petitioner was paid the following amount under different headings as detailed herein below:

<u>Head</u>	<u>Amount</u>	<u>Paid on</u>
(i) Leave encashment	Rs.15331/-	14.1.2003
(ii) Gratuity	Rs.41665/-	6.5.2003
(vide Cheque No.122717)		
(iii) Contributory Provident	Rs.41665/-	6.5.2003

Fund.

(7) That it is stated that so far as payment under Group Pension Insurance Scheme are concerned, the said two scheme were not applicable to the petitioner as the petitioner did not opt for the said scheme as the same was voluntary scheme.”



In view of the specific statements made in paragraphs 7 and 8 of the counter affidavit, I do not propose to proceed any further with this writ application. In case, the petitioner has not received the amount as stated in the aforesaid paragraphs of the counter affidavit, it will be open for the petitioner to approach the SCADA.

This writ application is, accordingly, disposed of with the aforesaid liberty.

(Samarendra Pratap Singh, J)

AnilKrSinha/-

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