

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.399 of 2016

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Mahboob Alam, Son of Late Sairuddin Ahmad, Resident of village-
Kurchaila, P.O.- Kurchaila, Bobra, P.S.- Kadwa, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar .
2. The District Magistrate, Katihar.
3. The Deputy Director, Consolidation, Kishanganj.
4. The Treasury Officer, Katihar.
5. The Circle Officer, Kadwa, District- Katihar.
6. The Accountant General , Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lalit Narayan Jha

For the Respondent/s : Mr. D.K. Prasad, G.P.14

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

5 13-10-2017 No one appears on behalf of the petitioner.

On 16.09.2016 this Court on submission on behalf of the State that as the formalities with respect to family pension have not been completed , the family pension could not have been made, had granted four weeks' time to the State to file counter affidavit. On 17.10.2016 a counter affidavit on behalf of the respondent no.4 was filed. In the counter affidavit respondent no.4 has stated that P.O.No.S/95951 regarding family pension and gratuity in favour of Smt. Khatoon Nisha wife of Late Sairuddin Ahmad was issued on 27.03.2003 but no claim was put forward by Smt. Khatoon Nisha for ten years and, as such, the P.P.O. has been



returned to the A.G.Bihar, Patna.

In paragraph 7 and onwards statements have been made that the respondents are ready to pay the post retiral dues but unfortunately no action was taken on behalf of the petitioner to receive the post retrial dues.

From the counter affidavit it appears that despite specific request made by the authority concerned to approach the Treasury Officer in connection with the payment of post retiral dues, no one appears on behalf of the petitioner.

From the order sheet also it appears that none appeared on behalf of the petitioner on the previous dates. Under the compelling circumstance, this writ application being disposed of with liberty to the petitioner if the petitioner approaches the authority concerned for payment of post retrial dues along with a copy of this order, within 2 months the respondent shall do the needful.

It is made clear that the petitioner has to complete lawful formalities for receiving the post retrial dues and if the petitioner submits application in prescribed format and, completes the requisite formalities within 2 months as stated above to facilitate the respondents to pay the post retiral dues, the respondent shall ensure payment of the retrial dues within 3 months from the date



of filing of such representation.

With the aforesaid observation this writ application is disposed of.

(Anil Kumar

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(Anil Kumar Upadhyay, J)

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(Anil Kumar Upadhyay, J)

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