

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17699 of 2016

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Bishwanath Ram son of Late Nathuni Ram, resident of Bhauara Ambedkar Nagar,
Madhubani, P.O. + P.S. + District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Urban Development Housing
Department, Government of Bihar, New Secretariat, Patna.
2. The Nagar Parishad, Madhubani through its Executive Officer.
3. The Executive Officer, Nagar Parishad, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar Jha, Advocate

For the Nagar Parishad : Mr. Purushottam Kumar Jha, Advocate

: Mr. Vikash Kumar Jha, Advocate

For the State : Mr. Ram Subhash Singh, A.C. to A.A.G.-7

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 17-03-2017

This writ application has been filed by the petitioner for
issuance of a direction to the respondents to pay all the retiral dues of
the petitioner's wife including the arrear amount of pension.

2. Learned counsel for the petitioner submitted that the
petitioner's wife retired from service with effect from 31.12.2014
while being posted as Safai Mazdoor in Ward No.25 of Nagar
Parishad, Madhubani. Thereafter, she filed an application on 21st
January, 2015 before the Executive Officer, Nagar Parishad,



Madhubani for payment of retiral benefits. She died on 14th September, 2015. After the death of wife, the petitioner represented before the Executive Officer of the Nagar Parishad, Madhubani for payment of retiral dues of his wife but only a sum of rupees twenty thousand has been paid so far. It is submitted that the petitioner filed an application on 4th February, 2016 before the Executive Officer, Nagar Parishad, Madhubani for payment of retiral benefits of his wife, but despite lapse of several months the retiral dues has not been paid.

3. Learned counsel appearing on behalf of the Nagar Parishad, Madhubani submitted that there is no dispute with respect to the facts stated on behalf of the petitioner. However, due to paucity of fund, the retiral benefits of the wife of the petitioner could not be paid so far. He submitted that efforts are being made to make payment of all the retiral dues to the petitioner from the resources of the Nagar Parishad and admissible amount would be paid to the petitioner soon.

4. I have learned counsel for the parties and perused the record.

5. Regard being had to the submissions made on behalf of the parties, the writ application is disposed of with a direction to the Executive Officer, Nagar Parishad, Madhubani to pay all the retiral dues of the petitioner's wife within a period of four months from the date of receipt/production of a copy of the order failing which the



petitioner would be entitled to receive interest at the rate of seven per cent per annum from the date the payment became due till the date of actual payment.

6. There shall be no order as to costs.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
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