

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.779 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 14857 of 2014**

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Most. Utma Devi, wife of Late Ratan Malakar, resident of village- Rajora, P.O.-
Bishnupur Ahok, P.S. Sahabpur Kamal, District- Khagaria

.... Appellant/s

Versus

1. The State of Bihar through the District Magistrate, Khagaria
2. District Provident Officer, Khagaria
3. District Provident Fund Officer, Saharsa

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Poddar Suresh Gandhi, Advocate

For the Respondent/s : Mr. Rajeev Shekhar, A.C. to G.A. 13

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 22-03-2017

Seeking exception to an order passed by the learned
Writ Court on 30th of January, 2016 in C.W.J.C. No. 14857 of 2014
this appeal has been filed by the appellant.

2. Appellant is wife of late Ratan Malakar who was an
employee with the State Government and after retirement in the year
1998 he survived up to 2003 and till his death he did not make any
claim with regard to any dues payable to him. It was for the first time
after 11 years of his death that the appellant, his wife, claimed retrieval
benefits.

3. The learned Writ Court has dismissed the writ



petition on account of the fact that there is inordinate delay and laches. However, it is seen that in this appeal, to examine the grievance of the appellant, respondents were noticed and from the counter affidavit filed by the respondents it is seen that Provident Fund claim to the tune of Rs. 48811/- has been settled vide orders Annexure- A and A/1 filed along with the return of Respondent No. 2. As far as other claims are concerned, the learned Writ Court was right in holding that during his lifetime the employee never claimed the benefit and, therefore, the learned Writ Court has not committed any error in rejecting the claim on the grounds of delay.

4. We find no case for reopening the issue now after such a long period of time. The Letters Patent Appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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