

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2996 of 2014

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Lalmuni Devi wife of Late Baidyanath Prasad Yadav (Ex U.D.C. Chapra Municipality, Saran). Resident of Mohalla- Chhota Telpa, P.O.- Chapra, P.S.- Chapra Town, District- Saran (Bihar) Pin- 841301

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Urban Development Department,
Government of Bihar
2. The Chairman, Nagar Parishad, Chapra
3. The Deputy Development Commissioner-cum-Executive Officer, Nagar Parishad,
Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary, Advocate
For the State : Mr. Syed Md. Najmul Bari, A.C. to S.C.-20
For Nagar Parishad : Mr. Indu Bhushan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 07-02-2017

The petitioner has prayed for a direction to be issued to the respondents to ensure payment towards family pension, gratuity and other admissible dues in favour of the petitioner.

2. The husband of the petitioner, namely, Baidyanath Prasad Yadav retired on 31st January, 1995 from the post of Clerk from Chapra Nagar Parishad and died on 31st January, 2015.

3. A counter affidavit has been filed on behalf of Chapra Nagar Parishad wherein it has been contended that pension from 1st



December 1995 to January, 2005 has been paid to the husband of the petitioner and family pension from February, 2005 to December, 2015 has also been credited in the account of the petitioner and rest amount of pension from January, 2016 to June, 2016 is likely to be paid after allotment of fund. It has also been contended in the counter affidavit that some other dues of the deceased employee have already been paid to the petitioner during the pendency of the application vide cheque no.163979 dated 23.08.2016.

4. Learned counsel for the Nagar Parishad undertakes that as and when the fund would be available, the payment of family pension would be made to the petitioner without any delay.

5. After taking into consideration the statements made in the counter affidavit filed on behalf of the Nagar Parishad, learned counsel for the petitioner would submit that for the present he would not be pressing the application, but liberty may be granted to the petitioner that she may represent before the authorities in respect of the remaining claim, if any.

6. In view of the submissions made by the learned counsel for the petitioner, the writ application is disposed of with liberty to the petitioner to file a representation in respect of any claim which the petitioner may be entitled to before the respondent concerned. In case such a representation is filed, the respondent Nagar Parishad shall take



appropriate decision in accordance with law within a reasonable time by passing a reasoned order and admissible dues, if any, shall be paid to the petitioner.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.02.2017
Transmission Date	

