

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 19661 of 2015

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Manju Devi, Wife of Sudhir Kumar Mishra, Resident of Village-Bhatwaliya, P.S. Sangrampur, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna.
2. The Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna.
3. The Director, Primary Education, Human Resources Development Department, Government of Bihar, Patna.
4. The District Magistrate, East Champaran, (Motihari).
5. The District Programme Officer, (Establishment), East Champaran, (Motihari).
6. The District Provident Fund Officer, East Champaran (Motihari).
7. The Area Education Officer, Block-Chakiya, District- East Champaran (Motihari).
8. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the State : Mr. Rakesh Kumar Shrivastava, A.C. to G.P. 15
For the A.G., Bihar : Mr. Binod Kumar Labh, S.C.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 21-09-2017

Heard learned counsel for the petitioner, State and
Accountant General.

2. The petitioner has moved the Court for the
following reliefs:

“ i) A certiorari setting aside the order passed by Respondent District Programme Officer (Establishment) contained in Memo No. 2048 dated 30.05.2014 whereby and where-under the Respondent District Programme Officer (Establishment) has in a very casual, mechanical and copy-cat manner rejected the claim of the late mother of this petitioner namely Mostt. Malti Kuwar for payment of her family pension only upon the grounds of earlier rejection of such claim, without application of his own judicial mind in



compliance of order of this Hon'ble Court dated 21.08.2013 passed in C.W.J.C. No. 7366/2010, which also amounts to contempt of this Hon'ble Court.

ii) A Mandamus commanding the directing the Respondents concerned to make payment of whole amount of family pension of deceased mother of the petitioner as both father and mother of this poor petitioner who is their only legal heir have died only making application and prayers for payment of family pension but not a single farthing has been paid either to the deceased employee Arun Deo Pandey or as family pension to his widow Mostt. Malti Kuwar, who died in destitute due to non-payment of her rightful family pension.

iii) And/or any other relief/relief's for which the petitioner is found entitled to in the facts and circumstances of this case."

3. The case has a chequered history. The mother of the petitioner had moved the Court in C.W.J.C. No. 5467 of 2009, which was disposed off with a direction to the District Superintendent of Education to pass appropriate order on the representation of the mother of the petitioner. An order was passed on the same which was again challenged by the mother of the petitioner in C.W.J.C. No. 7366 of 2010. The Court again disposed off the writ petition with liberty to place her case before the District Programme Officer (Establishment). The order passed pursuant to such remand dated 30.05.2014, is under challenge in the present writ petition.

4. The facts of the case are that the husband of the



petitioner is said to have joined Government service in the year 1962 and since the year 1970, he did not report for duty and later in the year 1992, he passed away. Thereafter, only in the year 2007, the mother of the petitioner filed an application for pensionary benefits.

5. Having considered the matter, the Court can only observe that once the petitioner, after putting in only 8 years of service, did not report for duty and after 22 years died, it is clearly a case of willful abandonment. Further, even the mother of the petitioner having moved the authorities for the first time in the year 2007, i.e., after 15 years of the death, the case is grossly barred by delay and laches. The Court would also indicate here that now it is the daughter of the deceased, who has moved before the Court.

6. Having considered the matter in its entirety, the Court is unable to interfere and the issue has to finally end. Accordingly, the writ petition stands dismissed both on merits as well as on the ground of delay and laches.

(Ahsanuddin Amanullah, J.)

P. Kumar

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