

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7952 of 2016

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Balika Devi, Wife of Late Kashi Nath Dubey, Resident of Village-Fulwariya, P.S.-
Fulwariya, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Water Resource Department, Government of Bihar,
Patna.
3. The District Magistrate, Madhubani, District- Madhubani.
4. The Chief Engineer, West Koshi Nahar, District- Madhubani.
5. The Chief Engineer, Water Resources Division, Darbhanga.
6. The Superintendent Engineer, West Koshi Nahar, Jay Nagar.
7. The Executive Engineer, West Koshi Nahar, Division-1 Jai Nagar, District-
Madhubani, Bihar.
8. The Executive Engineer, West Koshi Nahar, Division Khutauna.
9. The Additional Divisional Officer, West Koshi Nahar Division Khajauli, Jai
Nagar, District- Madhubani, Bihar.
10. The Executive Engineer West Koshi Canal Division No.2, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava and
Mr. Bir Singh, Advocates

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 16-11-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court for the following

reliefs:

“(I) To issue an appropriate writ/writs, order/orders direction/directions in the nature of mandamus for commanding /directing the respondents to pay arrear of retiral dues relating to benefit of A.C.P. and increment of salary, G.P.F. and housing allowance and accordingly to revise the family pension of the petitioner, who is widow of Late Kashi Nath Dubey, who retired on 31.12.2011 on the post of Account Clerk of West Koshi



Canal Division Jai Nagar, District-Madhubani and died on 17.01.2015.

(II) And further for direction to the respondents to refund the deducted amount related with the house allowance from August 2011 to December 2011 as husband of the petitioner had filed application in this regard and the petitioner also filed representation to the Respondent No. 4 on 27.03.2015, but no response has been given by the respondents.

(III) Any other relief/reliefs may be granted in favour of the petitioner for which he is found entitled in the facts and circumstances of the case”.

3. From the relief claimed, it is clear that the petitioner wants payment in terms of the benefit accruing upon grant of A.C.P. to her late husband. According to the petitioner, the benefit was to be paid in terms of the Government policy dated 25.06.2003 and the first A.C.P. was due in the year 1993 and the second A.C.P. in the year 2005. The husband of the petitioner superannuated on 31st December, 2011 and died on 17.01.2015.

4. Having considered the matter, the Court is unable to interfere in the matter for the simple reason that admittedly till date, there is no order granting benefit of A.C.P. to the late husband of the petitioner. In the present writ application also there is no prayer for grant of A.C.P. Thus, no pensionary or retiral benefits can be granted based on the A.C.P. as the A.C.P. itself has not been granted to the petitioner. Thus, neither the writ petition having been



filed for grant of A.C.P. and further that even after retirement of the husband of the petitioner in the year 2011, and he having received his pensionary benefits without the benefit of any A.C.P. and till his death in the year 2015, he not having moved the Court, the Court is unable to pass any orders with regard to either the entitlement or grant of A.C.P. to her late husband.

5. In view thereof, the writ petition stands disposed off.

6. However, the petitioner shall have liberty to move before the authority concerned by filing a representation which shall be considered within three months from the date of filing of such representation, on its own merits, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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