

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4241 of 2016

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Ramanandi Jain Wife of Late Dr. Ashok Kumar Jain, resident of Mohalla-Mill Road , P.O. Khagaria P.S. Khagaria, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Health Secretary, Department of Health Govt. of Bihar, Patna.
3. The Joint Secretary (Establishment) Department of Health, Govt. of Bihar, Patna.
4. Civil Surgeon- cum- Chief Medical Officer, Khagaria.
5. Civil Surgeon-cum Chief Medical Officer Sahebganj.
6. Superintendent, Sadar Hospital, Khagaria.
7. Incharge Medical Officer, Primary Health Centre Mirza Chowki Sahebganj.
8. District Provident fund Officer, Khagaria.
9. Accountant General Bihar, Birchand Patel Path, Patna.
10. The Principal Secretary Department of Health (Jharkhand).

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhirendra Kumar Sinha, Advocate
For the Respondents No. 5, 7 & 10	:	Mr. Dhurba Mukherjee, Advocate
For the State	:	Mr. Sunil Kumar, A.C. to G.P. 11
For the Accountant General	:	Mr. Ranjan Kumar, S.C.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 09-11-2017

Heard learned counsel for the petitioner; State of Bihar;

State of Jharkhand and the Accountant General, Bihar.

2. The petitioner has sought payment of pre and post retiral benefits, due to her late husband, who died in harness in the year 2006, while working as Medical Officer, Primary Health Centre, Mirza Chowki, Sahebganj, now in the State of Jharkhand.

3. Though strictly speaking, the Court finds substance in the preliminary objection raised by learned counsel for the State of



Jharkhand that the writ petition may not be maintainable before this Court as the cause of action arose in Jharkhand and the authorities of the State of Jharkhand are required to make payment, however, in the background that the petitioner had worked at various places in the undivided State of Bihar during the service period and thus the authorities of Bihar were required to give relevant information to the authorities of Jharkhand, for making such payment, and the petitioner resides in Bihar, the Court is taking a compassionate view, moreso, as it relates to the benefits accruable to a widow lady on account of death in harness of her husband.

4. Accordingly, the Court deems it appropriate to dispose off the matter with liberty to the petitioner to file a representation before the respondent no. 5. If such a representation is filed, enclosing all the materials which have been brought in the present proceeding, and which indicate that the authorities in the State of Bihar have forwarded the relevant documents/information relating to the late husband of the petitioner to the authorities of Jharkhand, the respondent no. 5 shall look into the same and ensure that the admitted dues of the petitioner are paid within three months from the date of production of a copy of this order before him. Further, if he comes to the conclusion that the documents are either missing or the information is incomplete, he shall be at liberty to call



for the same from the respondent no. 3. As and when such request comes, the respondent no. 3 shall be obliged to furnish the same within one month from the date of receipt of such request from the respondent no. 5. To that extent, the time fixed in this order shall stand extended.

5. It is made clear that the present order is being passed in the peculiar facts and circumstances of this case, taking a sympathetic and equitable view and shall not be a precedent for conferring jurisdiction on this Court with regard to similar matters.

(Ahsanuddin Amanullah, J.)

P. Kumar

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