

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.538 of 2016

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Sunita Goswami Wife of late Ram Nath Goswami Reisident of Village- Jagali,
Police Station- Krityanand Nagar, District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Animal Husbandry and fisheries Resource Department ,Bihar Patna.
2. The Secretary, Animal Husbandry and fisheries Resource Department ,Bihar Patna.
3. The Deputy Secretary, Animal Husbandry and fisheries Resource Department ,Bihar Patna.
4. The Block Development Officer, Pranpur, District- Katihar
5. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the Respondent/s : Mr. S.S.P. Yadav, SC 14

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 04-10-2017

Heard learned counsel for the petitioner and the State.

This writ application has been filed by the petitioner for payment of pensionary benefits and arrears of salary of the late husband of petitioner since 05.06.2000. The claim of the petitioner is that her husband has not been heard for the last seven years and as such, in the eye of law he may be treated as dead and treating him dead all pensionary benefits should be granted to the petitioner, wife of Ram Nath Goswami. In this case respondent no. 4 Block Development Officer, Pranpur Block, District – Katihar has filed counter affidavit.



From perusal of the counter affidavit it appears that on 06.05.2016 the Animal Husbandry Department and Fisheries Resources Department has called for the documents from the office of Block Development Officer and the Block Development Officer has submitted the desired documents vide letter dated 20.07.2016 contained in annexure-B. The counter affidavit as well as the document enclosed with the counter affidavit of the Block Development Officer indicates that necessary permission has been furnished by the Block Development Officer and the same is pending at the level of Deputy Secretary/Secretary of the Animal Husbandry and Fisheries Resources Department, Government of Bihar.

In view of the aforesaid, now necessary follow up decision is to be taken by the Secretary, Department of Animal Husbandry and Fisheries Resources Department, Government of Bihar. Accordingly, writ application is disposed of with a direction to the respondent no. 2 who shall see that all the pensionary benefits admissible to the petitioner shall be paid to the petitioner within a period of three months from the date of production of this order. In case of delay in payment of the admitted post-retiral-cum-death-cum-retiral benefits to the petitioner, the same will carry interest at the rate of 9% from the date of filing of writ application i.e., on 08.01.2016 till the date of actual payment, such interest shall be paid from the pocket of the



officers responsible for delay in the disposal of the pensionary claim of the petitioner.

With the aforesaid, this writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18/10/2017
Transmission Date	NA

