

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7828 of 2015

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Hamida Khatoon wife of Late Md. Soheb, resident of Village- Sarai Hameed, P.O.
& P.S.- Hayaghat, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar through D.M. Darbhanga.
2. Block Development Officer, Hayaghat, District-Darbhangha.
3. Circle Officer, Hayaghat, District-Darbhangha.

.... Respondents

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Appearance :

For the Petitioner/s : Md. Shahnawaz Ali, Advocate

For the State : Mr. Uday Prasad, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 23-02-2017

The petitioner has filed the present writ application for directing the respondent-authorities to make payment of retirement benefits like GPF, Gratuity, LIC, earned leave etc.

2. The petitioner is the widow of the deceased employee. Her husband was a Class-IV employee in Circle Office, Hayaghat, Dhabhanga. He retired on attaining the age of superannuation in the year 1995 and died in the year 2007.

3. At this stage, I must record that the writ application is absolutely vague. A vague statement has been made in the writ application that though the petitioner is receiving month to month pension, the entire amount of retiral benefits has not been paid to her. The statement made in one paragraph is being contradicted by the petitioner herself in the next paragraph.



Somehow, the Court has been able to know some facts from the counter-affidavit filed on behalf of the State. The stand of the State is that payments of all admissible dues were made to the deceased-husband of the petitioner during his life time.

4. It is stated by the learned counsel for the State that after retirement in the year 1995, the husband of the petitioner survived for almost 12 years, but he never raised any claim in respect of non-payment of his pensionary benefits during his lifetime. However, after his death, a vague claim is being made by the petitioner without giving any foundational facts.

5. I find substance in the submissions of the learned counsel for the State, it would be evident from the averments made in the counter-affidavit that the payments of all admissible dues of retirement benefits were made to the deceased employee during his lifetime and the petitioner is also getting her month to month family pension.

6. In that view of the matter, the writ application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	...
Uploading Date	01.03.2017
Transmission Date	

