

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4616 of 2016

Shanti Devi W/o Late Arjun Ram R/o village + P.O. Chintamanpur, Block Chakia, P.S. Pipra, District - East Champaran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna
2. The Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna
3. The District Magistrate, East Champara, District East Champaran, Motihari
4. The Anchaladhikari, Pipra Kothi, District East Champaran, Motihari
5. The Block Development officer, Mehshi, District - East Champaran, Motihari
6. The District Provident Fund officer, District - East Champaran, Motihari
7. The Accountant General, Bihar, Patna
8. The Block Development Officer, Pipara Kothi, Distt- East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra
For the Respondent/s	:	Mr. GP27- PURNENDU SINGH

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

19-08-2017

Heard Mr. Mishra for the petitioner and the State.

In spite of indulgence granted no counter affidavit has been filed on behalf of the concerned respondent.

A vague counter affidavit has been filed on behalf of the respondent nos. 1 and 2 affirmed by the Monitoring Officer, Panchayati Raj, Department, Govt. of Bihar, Patna.

The husband of the petitioner served the State Government as Panchayat Sewak. After his retirement on 06.06.2014, he died on 26.3.2015. The widow has filed the present writ application for payment of the post retiral dues including the family pension to her. Mr. Mishra relying on statements made in para 8 of the writ petition states that no part of the post retiral dues has till date been sanctioned and paid to her.



The respondent, in the counter affidavit, has stated referring to the provisions of the Bihar Gram Panchayat (Appointment of Secretary,Rights and Duties) Rules 2011 that the husband was an employee of the State Government.His claim as per the provisions of the Act/Rule is to be examined/considered. Unfortunately, even after lapse of more than 02 years the respondents have failed to consider the claim of the petitioner for grant of post retiral dues.

Having regard to the facts emanating from the record and after hearing both sides the present writ petition is disposed of by permitting the petitioner to file a representation before the District Magistrate,East Champaran, Motihari (respondent no.3) analyzing the dues not paid/sanctioned to her upon the retirement of her husband. If any such representation is filed within 05 weeks, the respondent District Magistrate shall make relevant verification and pass an order on such representation as quickly as possible preferably within 06 weeks of such filing /presentation of the representation along with a copy of the present order.

shyambihari/-

(Kishore Kumar Mandal, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25/08/2017
Transmission Date	N/a

