

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17717 of 2016

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Most. Jaimun Nisha, wife of Late Md. Hafiz, resident of village Mohalla -
Raghopur, Bhayara, Ward No. 28, P.S. + District - Madhubani, Bihar

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Urban Development Housing
Department, Government of Bihar, New Secretariat, Patna
2. The Nagar Parishad, Madhubani through its Executive Officer.
3. The Executive Officer, Nagar Parishad, Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar Jha, Advocate
For the Nagar Parishad : Mr. Purushottam Jha, Advocate
: Mr. Vikash Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 17-03-2017

This writ application has been filed by the petitioner for
issuance of a direction to the respondents to pay all the retiral dues of
the husband of the petitioner.

2. Learned counsel for the petitioner submitted that the
husband of the petitioner died in harness on 04.03.2016 while being
posted as Safai Mazdoor in Ward No.30 of Nagar Parishad,
Madhubani. After his death, the petitioner filed an application on 5th
April, 2016 before the Executive Officer, Nagar Parishad, Madhubani
for payment of death-cum-retiral benefits of her husband, but despite
lapse of several months the retiral dues has not been paid.

3. Learned counsel appearing on behalf of the Nagar
Parishad, Madhubani submitted that there is no dispute with respect to
the facts stated above, but due to paucity of fund, the death-cum-



retiral benefits could not be released in favour of the petitioner so far. He submitted that efforts are being made to make payment of all the admissible dues to the petitioner from the resources of the Nagar Parishad.

4. I have heard learned counsel for the parties and perused the record.

5. It is well settled that paucity of funds cannot be an answer to justify denial of a claim which otherwise is just and honest claim.

6. Regard being had to the submissions made on behalf of the parties, the writ application is disposed of with a direction to the Executive Officer, Nagar Parishad, Madhubani to pay all the admissible dues to the petitioner within a period of four months from the date of receipt/production of a copy of the order failing which the petitioner would be entitled to receive interest at the rate of seven per cent per annum from the date the payment became due till the date of actual payment.

7. There shall be no order as to costs.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.03.2017
Transmission Date	

