

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6969 of 2014

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1. Sona Devi, wife of Late Mukhdeo Ram, Resident Of Mohallah:- Dahiyawan Tola, P.O.- Chapra, P.S.- Chapra Town, District- Saran.

2. Dilip Prasad, son of Late Mukhdeo Ram, Resident Of Mohallah:- Dahiyawan Tola, P.O.- Chapra, P.S.- Chapra Town, District- Saran.

3. Maksudan Prasad, son of Late Mukhdeo Ram, Resident Of Mohallah:- Dahiyawan Tola, P.O.- Chapra, P.S.- Chapra Town, District- Saran.

4. Dharmendra Prasad, son of Late Mukhdeo Ram, Resident Of Mohallah:- Dahiyawan Tola, P.O.- Chapra, P.S.- Chapra Town, District- Saran.

.... Petitioner/s

Versus

1. The State Of Bihar, through Principal Secretary, Urban Development Department, Government of Bihar, Patna

2. Nagar Parishad, Chapra, through its Executive Officer, At & PO & PS:- Chapra, District- Saran

3. The Chairman, Nagar Parishad, Chapra, At & PO & PS- Chapra, District- Saran

4. The Executive Officer, Nagar Parishad, Chapra, At & PO & PS- Chapra, District- Saran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mahesh Narayan Parbat, Sr. Adv.
Mr. Sanjay Kumar Jha, Adv.
Mr. Ved Prakash, Adv.

For Nagar Parishad : Mr. Indu Shekhar, Adv.

For the State : Mr. Ajay Kumar, A.C. to GP-24

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 07-03-2017

The present writ application had been filed by one Mukhdeo Ram for commanding the respondents to start his pension and pay arrears and further for a direction to the respondents to pay arrears of difference of salary of different months and other dues including retiral dues.

2. During pendency of the writ application, the original writ petitioner Mukhdeo Ram died and vide order dated 2nd March, 2017 his legal heirs, namely, Sona Devi, Dilip Prasad, Makhsudan Prasad and Dharmendra Prasad were substituted.

3. It is admitted by the learned counsel for the petitioner that during pendency of the writ application most of the admissible dues of



the deceased employee have been paid. However, he contended that the widow of the deceased employee is yet to get family pension.

4. Per contra, learned counsel for the Nagar Parishad, Chapra submitted that the entire admissible retiral dues have already been paid to the successor of the deceased employee and since the deceased employee died on 15th August, 2016 and in absence of application of the widow of the deceased employee payment of family pension has not commenced as yet.

5. Having heard the parties, the writ application is disposed of with a direction to the widow of the deceased employee, namely, Sona Devi to submit the requisite application before the Nagar Parishad, Chapra within a period of four months from today. In case such an application is filed, respondent nos.2 to 4 would be obliged to examine her claim and pass appropriate orders in accordance with law as early as possible preferably within two months from the date of filing of such an application. If the claim of the widow is found admissible apart from the payment of arrear of family pension, current family pension should also be started.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	09-03-2017
Transmission Date	

