

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13922 of 2014

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1. Pramila Devi Wie of late Bipin Kumar Singh
 2. Pankaj Mani Vaishya Age 26 years
 3. Pawan Kumar Singh Age 23 years
 4. Vivek Kumar Singh Age 21 years

Nos. 2 to 4 are sons of late Bipin Kumar Singh

All Resident of village Saidanpur, P.O. Nandlalbad, P.S. Gaurichak,
Dist Patna

5. Sapna Kumari daughter of Late Bipin kUmar Singh, Wife of Amit Kumar Singh Resident of Village- Nichitpur, P.S Tetulmari, District Patna.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar
2. The Accountant General, Bihar, Patna
3. The Directorate of Provident Fund, Bihar, Patna
4. The D.G. cum I.G. of Police, Bihar, Patna
5. The D.I.G. of Police, Munger Range, Munger
6. The S.P. Lakhisarai

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar Choudhary, Advocate
For the State : Mr. Parijat Saurav, AC to AAG-10
For Accountant General : Mr. S. M. Ehtesham, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

8 02-08-2017

The present writ petition has been filed by the petitioners for payment of leave salary, gratuity, G.P.F. and regular pension. As the original writ petitioner Bipin Kumar



Singh died during the pendency of the writ petition on 10.09.2015 his legal heirs have been substituted under the orders of the Court.

2. The original writ petitioner was appointed as a constable on 28.01.1969 and was later promoted to the post of Assistant Sub-Inspector of Police in 1984. He became Sub-Inspector of Police in 2006 and eventually he superannuated as such on 30.06.2010. He was being paid provisional pension on account of pending Vigilance P. S. Case No. 33 of 2009. Since he died on 10.09.2015, the Vigilance case got abated. It is the case of the petitioners that leave salary, arrears of pension till the death of late Bipin Kumar Singh and thereafter family pension has not been given to them.

3. Learned counsel for the respondents has drawn my attention towards the supplementary counter affidavit filed on 5th July, 2017 on behalf of respondent no. 6 and has submitted that the grievances of the petitioners raised in the writ petition have been fully redressed.

4. Paragraph 13 of the supplementary counter-affidavit filed on behalf of respondent no. 6 reads as under :-

“13. That, with regard to the statement made in paragraph no. 13 of the writ petition is not true hence denied. As stated leave salary



Rs.249350/- has been already paid to the petitioner in the light of Lakhisarai District order no. 802/2016 dated 20.09.2016 vide bill no. 292/16-17 and the final pension and balance of gratuity amount has been also approved by the office of Accountant General (A & E) Bihar, Patna vide Pen-06-PEN 260916062735/201611062830PO dated 06.10.2016 & Pen- 06/PEN 260916062735/201611062830GO dated 06.10.2016.”

5. Considering the averments made in the supplementary counter-affidavit filed on behalf of respondent no. 6, the writ petition is disposed of with direction to the petitioners to file representation before the Superintendent of Police, Lakhisarai in respect of any pending claim relating to death-cum-retirement benefit within six months from today and in case of filing of such representation, the Superintendent of Police shall be required to dispose of the same by a reasoned and speaking order within three months. In case any payment is found due, the same shall also be paid within the aforesaid period of three months.

(Ashwani Kumar Singh, J.)

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