

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20263 of 2016

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Nikhata Sultana, Wife of Ijaharul Haque, resident of Mohalla- Naya Tola, Ward
No. 15, P.S.- Bettiah Town, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director Agricultural, Govt. of Bihar, New Secretariat, Patna.
3. The Joint Director, Plant Conservation, Govt. of Bihar, Patna.
4. The Under Secretary, Bihar State Krishi Wiparhan Parishad, Pant Bhawan,
Bailey Road, Patna.
5. The District Agriculture Officer, Madhubani.
6. The District Provident Officer, Madhepura.
7. The Block Development Officer, Ghogharadiha, District- Madhubani.
8. The Accountant General Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pratap Sharma, Adv.
For the Respondent/s : Mr. Awanish Nandan Sinha, GP21

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date : 28-11-2018

This writ petition is filed seeking a direction to the authority concerned to make payment of the death cum retiral dues admissible to the husband of the petitioner who went traceless including family pension, gratuity, G.P.F., leave encashment, group insurance and other emoluments as found admissible. The pleadings on record would confirm that the husband of the petitioner Ijaharul Haque went traceless on 15.01.2012 while working as Kamdar in the Agriculture Department under the jurisdiction of the Block Development Officer, Ghogharadiha, in the district of Madhubani. An information was given to the local police station bearing No. 605 of 2012 dated 25.01.2012 and No.



328 of 2012 dated 28.01.2012. Since no report was forthcoming as regarding the whereabouts of the husband of the petitioner who had gone traceless that these payments were withheld. It is in these circumstances that the writ petition is filed.

A counter affidavit is filed on behalf of the respondent No. 2 and 3 i.e. the Director, Agriculture, Government of Bihar and the Joint Director, Plant Conservation, Government of Bihar which affidavit at paragraph 9 states that all admissible and payable amount has been sanctioned by the competent authority i.e. the Assistant Director, Plant Protection, Madhubani and credited to the account of the petitioner. In respect of earned leave encashment amounting to Rs. 211124/- it is informed that the same was sanctioned vide memo No. 185 dated 22.04.2017 and forwarded to the Treasury Officer, Madhubani for its payment. In respect of group insurance, it is mentioned that Rs. 426/- has been sanctioned and forwarded to the Treasury Officer, Madhubani for payment and which has also been credited in the account of the petitioner. In so far as payment of contributory provident fund is concerned, it is informed that the same has also been forwarded to the Treasury Officer, Madhubani on 15.05.2017 for payment. In so far as payment of family pension is concerned, it is informed that since the deceased employee was not under the pension scheme



and none of the employees of the Marketing Board (since dissolved) who have been absorbed in the State Government, have been allowed family pension hence this relief is not admissible. A similar stand is taken by the respondent No. 6 in his affidavit as well as the Accountant General.

There is no rejoinder to the counter affidavit filed which was served on the learned counsel for the petitioner on 14.09.2017 and in such circumstances this Court taking note of the submission made by the respondent in the counter affidavit is persuaded to dispose of the writ petition with liberty to the petitioner to approach the Director, Agriculture Department, Bihar in case any of the claims remains pending and it goes without saying that should any claim be raised by the petitioner, the same be disposed of by a speaking order to be passed within a period of 3 months from its presentation.

The writ petition is disposed of with the directions above.

(Jyoti Saran, J)

Bibhash/Ranveer

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12-12-2018
Transmission Date	NA

