

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13988 of 2017

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Ram Pukari Devi, Wife of Late Shiv Pujan Singh @ Ram Babu Singh, Resident of Village and P.O. Bangra Firoz, P.S. Baruraj, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Department, Government of Bihar, Patna.
2. The District Magistrate, Muzaffarpur, District-Muzaffarpur.
3. The Block Development Officer, Kurhani, District-Muzaffarpur.
4. The Accountant General, Bihar, Patna.
5. District Panchayat Officer, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate
For the Accountant General : Mr. Vivekanand Kumar, Advocate
For the State : Mr. Md. Khurshid Alam, AAG-12
Mr. Asif Kalim, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 24-09-2018

Heard learned counsel for the petitioner; Mr. Khurshid Alam, learned AAG-12 for the State and Mr. Vivekanand Kumar, learned counsel for the Accountant General.

2. Pursuant to order dated 20.08.2018, the respondent no. 5 is present and has filed counter affidavit. The Court is surprised at his conduct, for at paragraph- 10 of the order dated 20.08.2018, there was a specific direction for respondent no. 5 to be present along with his show cause.

3. Be that as it may, learned counsel for the State



has assisted the Court on this issue and has submitted that the Court may ignore the same for the reason that the respondent no. 5 admits his mistake in not having conducted the enquiry in terms of the earlier orders of the Court for which the Court had directed his presence and for which he has also tendered unqualified apology.

4. Coming to the merits of the matter, the petitioner has moved the Court for the following reliefs :-

“ (I) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the letter dated 08.05.2017 issued under the signature of the Respondent no. 2 and contained in his memo no. 983 dated 08.05.2017, whereby and where under the Respondent no.2 has been pleased to direct for recovery of 50% of the amount allegedly withdrawn by the petitioner’s deceased husband with Sri Ajay Kumar Singh, Ex-Mukhiya, Gram Panchayat Raj, Chakiya, Block-Kurhani, District-Muzaffarpur on the ground that no recovery proceeding are maintainable against the petitioner after the death of her husband and that too without holding any enquiry in the matter about withdrawal, so made.

*(II) For issuance of an appropriate writ in the nature of **CERTIORARI** for quashing the letter dated 29.05.2017 issued under the signature of the Respondent no. 3 and contained in his letter no. 669 dated 29.05.2017, whereby and where*



under the petitioner has been directed for deposit of Rs. 4,80,000/- with 12.5% interest in the Block Nazarat, Kurhani and only thereafter they would consider for payment of death-cum retirement benefits.

*(III) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing Respondent Authorities for payment of death-cum-retirement benefit of the petitioner on the ground that the petitioner's husband Shiv Pujan Singh died in harness on 06.11.2016 while he was serving the State as the Panchayat Secretary, Gram Panchayat Raj, Chakiya, under Kurhani Block of Muzaffarpur District and, therefore, the petitioner is entitled for payment of death- cum-retirement benefits of her deceased husband.*

*(IV) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent Authorities to pay the aforesaid amount with pendentelite interest on the ground that the petitioner has been illegally deprived of her pensionary benefits for such a long time for no reason whatsoever."*

5. Though, initially, in terms of the stand taken by the authorities, the Court had found that at least an amount of Rs. 10,414/- was required to be paid to the petitioner but after the completion of



the enquiry, as per the previous order of the Court, in the presence of the son of the petitioner, the Mukhiya, Panchayat Sewak etc., it has transpired that the actual dues payable to the petitioner was Rs. 10,09,577/- and after adjustment of the amount recoverable, the remaining amount comes to Rs. 5,29,577/-.

6. Learned counsel for the State, from the materials brought on record in the counter affidavit filed on behalf of respondent no. 5 today, submitted that the cheque of Rs. 5,29,577/- has also been handed over to the petitioner and in proof thereof, she has also given receipt.

7. This is one aspect of the matter. On a query of the Court to learned counsel for the State as to by when the petitioner shall be paid the other dues of family pension etc., the stand is that the same shall be settled within four weeks.

8. Though the Court, initially was of the opinion that the conduct of respondent no. 5 has not been *bona fide* to indicate that he was sensitive to and serious with regard to implementing the Court's order, however, it has been persuaded by the learned Additional Advocate General-12 to accept the apology.

9. In view thereof, the writ petition stands disposed off with a direction to the respondent no. 3 to ensure that the remaining pensionary benefits of the petitioner are paid to her latest within a



period of six weeks from the date of production of a copy of this order before him. The Court would only indicate that the payment shall be made in terms of the latest admissibility, including benefit of any revision, as may be applicable, in accordance with law.

10. Personal appearance of the respondent no. 5 stands dispensed with.

11. The Court would observe that in the peculiar facts and circumstances of the case and the background in which now payment is being made, especially with regard to the claims of a widow, the Court would expect the District Magistrate to monitor the matter. The respondent no. 5, who is present in Court has assured the Court that he would also facilitate in the order being complied with.

(Ahsanuddin Amanullah, J)

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