

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 467 of 2018

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Kuchari Devi, Wife of Laxmi Mallick, resident of Village- Ahirwa Tola, Ward No. 7, P.S.- Raxaul, District- Raxaul.

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Finance Department, Government of Bihar, Patna.
2. Deputy Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Accountant General, Government of Bihar, Patna.
4. The District Magistrate, District- East Champaran.
5. The Executive Officer, Nagar Parishad Raxaul, District- East Champaran.
6. The Chairman, Nagar Parishad, Raxaul, District- East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. J. K. Giri, Advocate
For the State	:	Mr. Indeshwari Prasad, A.C. to G.A.
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For the Respondents No. 5 & 6:		Mr. Devi Das Srivastava, Advocate
For the Accountant General	:	Mr. Ranjan Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 19-02-2018

Heard learned counsel for the petitioner; State and the
Nagar Parishad, Raxaul.

2. The petitioner has moved the Court for the
following reliefs:

“1 That this is the writ petition being filed before this Hon’ble High Court on behalf of the aforesaid petitioner for issuance of a writ in the nature of ‘Mandamus’ whereby and where under commanding and directing the state respondents to make the payment of retriial benefits to the petitioner and moreover to grant pension to her which has been denied by the respondent nos. 5 and 6 for the reason that the petitioner hereinabove has been compelled by the respondent nos. 5 and 6 to



superannuate on 01.05.2016 although she has not reached at the age of superannuation. And the further prayer of the petitioner is to command and direct the State respondents to make the payment of panel interest upon the admissible monetary benefits to her in accordance with law.”

3. From the counter affidavit filed on behalf of the Nagar Parishad, Raxaul, it transpires that upon attaining the age of superannuation, as per the date of birth of the petitioner recorded in the service book, she has superannuated on 30.04.2016. It was submitted that the date of birth is under dispute and has been challenged by the petitioner in another writ petition but no order has been passed on the same. It was further submitted that as the petitioner has never approached the authorities for payment of her retrial dues and has challenged the said superannuation in C.W.J.C. No. 18065 of 2016, if she is ready to get her retrial dues, the same shall be paid within two weeks.

4. Learned counsel for the petitioner agreed to the stand taken by the Nagar Parishad, Raxaul.

5. In view thereof, the writ petition stands disposed off with liberty to the petitioner to complete the formalities relating to grant of retrial benefits by appearing before the respondent no. 5. If the same is done within four weeks from today, the respondent no. 5 shall ensure that all necessary formalities/documentation is



completed within one week from the petitioner appearing before him. The same being done, in terms of the stand taken in the counter affidavit, payment of admitted retrial dues of the petitioner be made within the next four weeks.

(Ahsanuddin Amanullah, J.)

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