

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 16800 of 2017

Along with

Interlocutory Application No. 7305 of 2018

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Snokanta Sinha, Wife of Late Amod Kumar, Resident of 143 North Mandiri, Sant
Pauls International High School, Babu Nagar, P.S. Kotwali, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary to the Government, Food and Consumer protection Department, Bihar, Patna.
2. The Divisional Commissioner, Munger Division, Bihar, Patna.
3. The District Officer, Munger, District Munger.
4. The District Provident Fund Officer, Bikramganj, Rohtas, District Rohtas at Sasaram.
5. The District Provident Fund Officer, Munger, District- Munger.
6. The Sub Divisional Officer, Kharagpur, Munger.
7. The Sub Divisional Officer, Bikramganj, District Rohtas at Sasaram.
8. The Officer on Special Duty, Food and Consumer Protection Department, Government of Bihar, Patna.
9. The Accountant General, Veerchand Patel Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 20-11-2018

Heard learned counsel for the petitioner; State and
Accountant General.

Re.: Interlocutory Application No. 7305 of 2018



2. The present Interlocutory Application has been filed on behalf of the State respondents for recall of part of the order dated 24.08.2018, by which cost of Rs. 10,000/- was imposed on the authorities concerned.

3. The Court had imposed the cost for reasons recorded in the order dated 24.08.2018, basically on the ground that despite copy of the writ application having been served on learned counsel for the State on 05.11.2017, no counter affidavit has been filed.

4. Learned counsel for the State submitted that unconditional apology has been sought by the authorities for such conduct and in fact, it was due to inadvertent mistake on the part of the office of the learned State counsel as communication of filing of the writ petition was not communicated to the authorities concerned in time.

5. Having considered the matter and taking into account the submissions of learned counsel for the State that the mistake occurred inadvertently due to non communication of the fact of filing of the present writ application to the authorities, the Court is inclined to recall the order imposing cost.

6. Accordingly, the order dated 24.08.2018 stands modified to the extent that the imposition of cost of Rs. 10,000/- on the authorities stands recalled.



7. Interlocutory Application No. 7305 of 2018 stands disposed off.

Re.: Civil Writ Jurisdiction Case No. 16800 of 2017

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

“That by this writ application the petitioner seeks indulgence of this Hon’ble Court for issuance of an appropriate writs or directions commanding the respondent to consider and grant the entire retiral benefits i.e. gratuity, General Provident Fund Amount, leave encashment, Group Insurance and family pension and also with all retiral dues and also with all consequential benefits of service in the light of the law settled by the Hon’ble Court in pursuant to the Bihar Pension Rule.”

9. From the pleadings on record it transpires that the authorities have raised a dispute that the husband of the petitioner never joined at his transferred place in Munger in the year 2007. However, the stand in the counter affidavit is also that an enquiry has been set up in the matter to find out the correct facts for which six months time has been prayed.

10. Having regard to the aforesaid, the Court does not deem it necessary to keep the writ petition pending as unless facts are sorted out, consequential benefits including retiral dues cannot be paid.

11. Accordingly, the writ petition stands disposed off



with a direction to the respondent no. 6 to ensure that the enquiry started in the matter is taken to its logical conclusion, after giving full opportunity to the petitioner or her representative, latest by 30th April, 2019, by passing a detailed and reasoned order. Depending on the same, the grievance of the petitioner as well as the dues accruable to her late husband and also death-cum-retiral benefits shall be paid, in accordance with law.

12. If the petitioner feels aggrieved by the said report, he shall be at liberty to move before the appropriate authority/forum in the matter, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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