

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 12166 of 2016

Along with

Interlocutory Application No. 4516 of 2018

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Kulwanti Kuer, aged about 80 years Wife of Late Radha Kishun Singh Resident of Mohalla Shivpuri Ward No. 36, Police Station Ara Town, District Bhojpur (Ara).

.... Petitioner/s

Versus

1. The State of Bihar through Collector, Ara Bhojpur.
2. Ara Municipality, Ara, through Special/ Executive Officer Ara, P.S. Ara (T), District- Bhojpur.
3. Special /Executive Officer, Ara Municipality, Ara, P.S. Ara (T), District- Bhojpur.

.... 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: 11-07-2018

Heard learned counsel for the petitioner; State and Ara Municipal Corporation.

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

“That this is an application for issuance of a writ or writs, order or orders, direction or directions in the nature of mandamus on any appropriate writ/writs to Respondents for making the payment of retrial dues, General Provident Fund, General Insurance, Pension and other dues along with the interest thereon to the petitioner who has retired on 6.7.1990 as Tehsildar.”

3. Upon his death, his wife has been substituted but now learned counsel for the petitioner informs the Court that even she has died and accordingly, Interlocutory Application No. 4516 of 2018 has been filed by her five sons for substitution.

4. From the pleadings, it transpires that the original writ



petitioner had moved the Court along with others in C.W.J.C. No. 4182 of 1995, for a direction to pay their post retirement-cum-death benefit, including pension, gratuity, provident fund, arrears of bonus for various years and other benefits including arrears of pay. The same was disposed off by directing the Ara Municipality to decide the claim of each and every petitioner and the admitted dues to be paid to them. The order having attained finality, the Ara Municipality claims to have paid all the admitted dues in terms of the said order.

5. Be that as it may, once for the same cause, the original writ petitioner had moved the Court in the year 1995, the present writ application filed after 21 years for the same relief is not maintainable. Moreover, both the original employee and his wife are also dead.

6. In view thereof, the writ petition stands disposed off with liberty to the heirs of the writ petitioner to take appropriate steps, before the appropriate forum, in accordance with law, for the redressal of their grievance.

7. Interlocutory Application No. 4516 of 2018 stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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