

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16687 of 2016

=====

Mala Devi Wife of Late Rambilas Singh Resident of Mohanpur, via Rajaura, P.S.-
Begusarai (Muffasil), District-Begusarai

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Water Resources Department,
Government of Bihar, Patna
2. Chief Engineer, Water Resource Department, Munger
3. Executive Engineer Ganga Pump Canal Division, Suryagadha, Shivar, Munger
4. The Executive Engineer, Flood Control Division, Begusarai
5. Accountant General, Bihar, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s :

For the Respondent/s :

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 20-07-2018

Heard learned counsel for the petitioner and State.

Nobody appears on behalf of the Accountant General.

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

*“That this writ application is being filed for payment
of family pension to the petitioner who happens to be
wife of Late Rambilas Singh, an employee of the
Bihar Government and further for a direction to the
authorities for proper fixation of pension which was
illegally fixed initially and for payment of arrears of
pension, arrear of salary, part of Gratuity, Provident*



Fund Amount, Leave Encashment Amount and further for grant of Assured Career Progression with consequential benefits to the petitioner with interest and/or for any other order/orders may be passed in the fact and circumstances of the case.”

3. Counter affidavits have been filed on behalf of respondent no. 3 and respondent no. 5 taking the stand that all admissible dues of the petitioner have been paid. Further ground is that for more than half of the period of service of the petitioner's husband, he wilfully and unauthorizedly absented himself for which he has also not been paid any salary.

4. Though reply to the counter affidavit has been filed on behalf of the petitioner but it is admitted that full records are not available with the petitioner. In the absence of there being documentary evidence to indicate that anything further is payable to the petitioner, by the conduct of the late husband of the petitioner, the Court cannot pass any positive order for any further payment to the petitioner.

5. Accordingly, the writ petition stands disposed off. However, if the petitioner feels that due to some policy of the State Government itself, she may be entitled to any further benefit, she shall be at liberty to file a detailed representation before the Competent Authority basing her claim on such policy decision of the State



Government. In the alternative, she may move before the appropriate forum, in accordance with law, for any declaration that her husband had actually worked for the entire period of his service. Depending on the order passed on the representation, or by the competent forum, on her application, the authorities shall take further action in the matter.

6. If such representation is filed before the authority within four weeks from today, the same shall be disposed off by passing a reasoned order within two months from the date of filing of the representation.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	

