

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13407 of 2018**

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Mrs. Nishat Ahmad Wife of Late Dr. Md. Mujtaba Ahmad Resident of 404,  
Emarat Apartment, New Patliputra Colony, Patna, P.S. Patliputra, District -  
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health,  
Government of Bihar, Patna.
2. The Director, Health Services, Government of Bihar, Patna.
3. The Finance Secretary, Government of Bihar, Patna.
4. The Principal, Nalanda Medical College, Patna.
5. The Superintendent, Nalanda Medical College & Hospital, Patna.
6. The Accountant General (A & E), Bihar, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar  
For the Respondent/s : Mr. Ramadhar Singh -Gp25

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

5     18-12-2018                      Heard learned counsel for the petitioner, learned  
counsel for the State and learned counsel appearing on behalf of  
the Nalanda Medical College Hospital, Patna. Counsel for the  
Accountant General, Bihar, Patna also appears.

Petitioner is wife of Dr. Md. Mujtaba Ahmad who was  
posted as Registrar in Nalanda Medical College Hospital, Patna  
in the year 1981 and left for foreign assignment sometime in the  
year 1981. The petitioner prays for payment of retiral benefits of  
her husband including GPF, Gratuity, Leave Encashment,  
Pension arrears and other death-cum-retiral benefits.

A counter affidavit has been filed by the Principal and



Superintendent of Nalanda Medical College Hospital, respondent nos. 4 and 5 stating therein that the petitioner's husband went for one month on a foreign assignment and thereafter he overstayed in the foreign assignment without any sanction of leave and never joined the Government of Bihar in the health services or in any medical college.

Learned counsel for the petitioner has filed a rejoinder stating therein at Annexure-13 that the petitioner's husband had submitted his joining on 14.10.1988 but upto now the death-cum-retiral benefits has not been paid to the petitioner who is wife of the late employee. From perusal of Annexure-12, it appears that the date of birth of the petitioner's husband was 24.07.1935 and if a period of 60 years is calculated, the petitioner's husband ought to have retired on 24.07.1995. From the averment made by the petitioner the date of death of the petitioner's husband is 06.04.2010. But from the writ application it transpires that the petitioner's husband did not pray for his retiral benefits after his retirement till his death. The only letter which the counsel for the petitioner was able to show is Annexure-5 in which a letter of the health department has been referred dated 10.12.1990 in which petitioner's husband has prayed for grant of acceptance of joining on duty and for



regularization of his period of absence spent in Ex India Leave.

However, considering the facts and the materials on record, let the petitioner file a detailed representation before the respondent no. 2 which will be considered and disposed of by a speaking order within a period of four months from the date of filing of such representation. If any amount is admissible, the same shall be paid to the petitioner one month thereafter. The speaking order would be communicated to the petitioner by registered post.

Writ application is disposed of accordingly.

**(Nilu Agrawal, J)**

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