

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8330 of 2019

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Rukmani Devi wife of Late Kailash Chandra Trigunayat resident of Mohalla-
Hasan Chowk, P.O.- Lal Bagh, P.S.- Darbhanga Town, District- Darbhanga,
Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms Government of Bihar, Old Secretariat, Bailey Road, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms Government of Bihar, Old Secretariat, Bailey Road, Patna.
3. The Secretary, Department of Revenue and Land Reforms Government of Bihar, Old Secretariat, Bailey Road, Patna.
4. The Director, Land Records and Survey, Department of Revenue and Land Reforms Government of Bihar, Old Secretariat, Bailey Road, Patna.
5. The Settlement Officer, Settlement Office, Patna, Bihar.
6. The Accountant General (A and E) Patna Mahalekhar Bhawan, Patna, Bihar.
7. The Dy. Accountant General (Administration/ Works/GE) Patna Mahalekhakar Bhawan, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No 13, Advocate Mr. Rohit Kumar No. 5, Advocate
For the Respondent/s	:	Mr.Rishi Raj Sinha (SC-19) Ms. Archana Prasad, AC to SC-19
For the AG	:	Mr. Shiv Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 29-04-2019

Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel appearing on behalf of the
Accountant General, Bihar, Patna.

2. Petitioner, whose husband late Kailash Chandra
Trigunayat, an employee of the Department of Revenue and Land
Reforms, Government of Bihar died in harness on 17.05.1996,



claims death cum retiral benefits including family pension, ex-gratia amount, leave encashment, gratuity along with interest @ 12%. The petitioner, being the widow of the late employee, earlier moved this Court for payment of death cum retiral benefits and family pension etc. in C.W.J.C. No. 11675 of 1997, which was heard and disposed of vide order dated 27.11.1998 with a direction to the authorities to pay the retiral benefits along with interest and cost. Against the said order the State went in appeal being L.P.A. No. 356 of 1999 wherein the intervener Gayatri Devi appeared and stated that she is the legally wedded wife of the said employee, hence, this Court in appeal vide order dated 07.10.1999 directed the parties to get a declaration in their favour as the matter involved serious disputed questions of fact. The said Gayatri Devi, who claimed to be the legally wedded wife, filed a declaration suit being O.S. No. 257 of 2000 before the Civil Judge, Junior Division, Deoria, Uttar Pradesh but due to want of prosecution the said declaration suit was dismissed on 12.01.2017, which is Annexure-5 to the writ application and a decree was prepared on 24.01.2017. The petitioner has repeatedly filed representations before the Settlement Officer, Revenue and Land Reforms, Department, Government of Bihar, Patna for payment of death cum retiral benefits which has gone unheeded. The last being



Annexure-6 dated 04.09.2018, but still the death cum retiral benefits as well as family pension and other dues have not been paid to her.

3. Considering the nature of claim as made by the writ petitioner, the Respondent No. 5, the Settlement Officer, Revenue and Land Reforms Department, Government of Bihar, Patna is directed to dispose of the representation as contained in Annexure-6 within a period of three months from the date of receipt/production of a copy of this order. If no order of succession by the said Gayatri Devi has been furnished before the authorities, the death cum retiral benefits would be released in favour of the petitioner along with statutory interest within the aforesaid period.

4. Writ application is, accordingly, disposed of.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.05.2019
Transmission Date	NA

