

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8236 of 2015

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Basanti Devi, Wife of Surendra Kumar, residing at Mohalla- Imali Chowk, Jag Jiwan Nagar, Police Station- Bettiah, District- West Champaran. At present residing at Mohalla- Botal Khara Danapur Cantt, Police Station- Danapur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Government of Bihar, Patna.
2. The Superintendent of Police, West Champaran at Bettiah.
3. The Superintendent of Police, Shekhpura.
4. Surendra Kumar Son of Late Laxmi Raut, residing at Mohalla- Kela Bagan, Jag Jiwan Nagar, Near Imali Chowk, Police Station-Bettiah Town, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhanendra Chaubey
For the Respondent/s : Mr.Mithilesh Kumar Pathak, SC-7

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 04-01-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner prays for payment of half portion of retiral dues of the respondent no.4, who is husband, and on account of not being maintained by the respondent no.4, she has prayed for half portion of payment of retiral dues of respondent no.4. Counsel for the petitioner submits that while the respondent no.4 was in service, 75 per cent of his salary was agreed by the respondent no.4 to be paid to the petitioner which is Annexure-1. Learned counsel for the petitioner submits that the petitioner and the respondent no.4 appeared before the respondent no.3,



the Superintendent of Police, Shekhpura, and the respondent no.4 agreed that 75 per cent of his salary would be paid to the petitioner which is Annexure-3 dated 18.04.2010. The respondent no.4 retired from service on 31.01.2014 and it has been submitted by the counsel for the petitioner that after retirement petitioner is not being maintained by the respondent no.4, hence seeks half portion of the retiral dues of the respondent no.4.

Learned counsel for the State has filed a counter affidavit stating therein that during service period 75 per cent of payment of salary of respondent no.4 was ordered by the respondent no.3, the Superintendent of Police, Shekhpura to be paid to the petitioner, but now the employee respondent no.4, has retired and there is no provision that a portion of retiral benefit due to the respondent no.4 be paid to the petitioner.

Considering the submission of the parties, this writ application is disposed of with a liberty to the petitioner to seek such remedy as permissible in law and a declaration to the said effect from the court of competent jurisdiction.

(Nilu Agrawal, J)

B.Kr./-

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