

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.868 of 2018

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Munni Khatoon, W/o Late Md. Amin, resident of Village- Khalilpura, P.S. +
P.O. Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Building and Construction Department, Bishwariaya Bhawan, Govt. of Bihar, Patna.
2. The Joint Secretary, Building Construction Department, Veshwariaya Bhawan, Patna.
3. The Chief Engineer, Electrical Building Construction Department, Government of Bihar, Vishwaraiya Bhawan, Patna.
4. The Electrical Executive Engineer, Electric Work Division No. 1, Building Construction Department, Government of Bihar, Old Secretariat, Patna-1.
5. The Accountant General of Bihar, office of Accountant General (A & E), Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anurag Saurav
For the Respondent/s : Mr.Amit Prakash -Ga13

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 08-01-2019 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel appearing on behalf of

the Accountant General, Bihar, Patna.

An interlocutory application being I.A. No. 2606 of
2018 has been filed by the son of the deceased employee of the
petitioner seeking payment of retiral benefit of his father Md.
Amin who died on 30.07.2017.

Considering the nature of prayer made in the
interlocutory application, I.A. No. 2606 of 2018 is allowed.

Petitioner in the present writ application seeks retiral
benefit of her husband i.e. pension, earned leave, gratuity, group



insurance and other consequential benefits with 18% interest. She also claims arrears of salary of her husband.

A counter affidavit has been filed by the State on behalf of the respondent no. 4, Electrical Executive Engineer, Electric Works Division No. 1 Building Construction Department, Government, Patna stating therein as per Pension Rules the petitioner's claim was considered and GPF has already been sanctioned on 26.06.2018 as stated in para-13. It is also stated that pension and gratuity has also been sanctioned and sent to the Accountant General vide letter no. 1748 dated 12.06.2018. So far as leave encashment is concerned, the same is under active consideration and as soon as the service book is received the authorization will be issued.

Learned counsel for the petitioner submits that the petitioner is entitled to post retiral benefit of her husband as in the nomination by the erstwhile employee the name of the petitioner has been entered. There was a matrimonial dispute between the petitioner and her husband. Maintenance case no. 170M of 2011 was filed in which the Additional Principal Judge, Family Court, Patna vide order dated 25.08.2012 had granted her maintenance of Rs. 9000/- per month which has been brought on record by the respondent no. 4 at Annexure-4 in



the counter affidavit. Since some payment has already been made towards post retiral benefits of the husband, sanctioned and in active consideration under other heads, the petitioner is at liberty to file a representation for her remaining dues before the respondent no. 4, the Electrical Executive Engineer, Electric Works Division No. 1 Building Construction Department, Government, Patna which would be disposed of within a period of three months from the date of filing of such representation. Any amount due to the petitioner would be paid within one month thereafter. If certain dues are inadmissible as claimed by the petitioner, the same shall be communicated by speaking order to the petitioner through registered post.

So far as the intervenor respondent is concerned, he is at liberty to move the court of competent jurisdiction for a declaration in his favour regarding his share in the pensionary benefits of the erstwhile employee.

Writ application is disposed of accordingly.

(Nilu Agrawal, J)

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