

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2642 of 2020

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Kalpana Sinha Wife of Late Ugra Shekhar Prasad Resident of Mohalla- B-
Lane, near Mobile Towber, Indrapuri Path, Saristabad, P.O.-G.P.O. P.S.-
Gardanibagh, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Commissioner, Department of Water Resources, Anishabad, Patna, Bihar.
2. The Chief Engineer Department of Water Resources, Anishabad, Patna, Bihar.
3. The Executive Engineer Sone Canal Division, Khagaul, Patna.
4. The Assistant Engineer Sone Canal Division, Khagaul, Patna.
5. The Accountant General (A and E) Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Rajiv Krishna Bariar, Advocate
For the Respondent-State:		Mr. Vikash Kumar, SC11
For the Accountant	:	Mr. Arun Kumar Arun, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 29-09-2020

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Accountant
General via video conferencing.

2. The petitioner has made the following
prayers in para-1 of the writ petition:-

“A. The petitioner humbly prays
that respondents may be directed to release the
arrears with interest of the revised
pension/family pension in terms of 1st ACP
and 2nd ACP (in the light of letter no.1231
dated 28.02.2007 issued under signed by the



Chief Engineer, Department of Water Resources, Patna, Bihar).

B. The petitioner also prays that respondents may be directed to release the differences of revised gratuity amount.

C. The petitioner also prays for payment of arrears of salary also in terms of benefits granted to her husband by way of 1st and 2nd ACP through Annexure-6 of the present writ application.

D. The petitioner also prays that respondents may be directed to release the differences of revised Pension amount for the period 01.08.2001 and 05.07.2019.

E. The petitioner also humbly pray that respondents may be also directed to issue family pension.

F. To grant any other relief/reliefs to the petitioner in the eye of law.”

3. It is the case of the petitioner that her husband late Ugra Shekhar Prasad was working as Sr. Accounts Clerk under respondent no.2 i.e. the Executive Engineer, Sone Canal Division, Khagaul, Patna. He retired on attaining the age of superannuation on 31.07.2001. He died on 05.07.2019. After death of her husband, she filed a representation before the respondent authorities for issuing family pension and other



outstanding dues of her husband.

4. Her further case is that after retirement of the deceased employee, the department had issued letter no. 1231 dated 28.02.2007 under the signature of the Chief Engineer, Department of Water Resources, Government of Bihar, Patna for granting the benefits of 1st and 2nd ACP with effect from 09.08.1999, but the respondent authorities have not released the arrears with interest of the revised pension/family pension in terms of 1st and 2nd ACP. They have also not released the difference of revised gratuity amount and other retiral benefits till date.

5. Learned counsel for the petitioner submitted that the petitioner has made several representations to the official respondents for the reliefs prayed for in the writ petition, but no action has been taken so far.

6. Learned counsel for the State seeks four weeks' time in order to enable him to seek instructions and file counter-affidavit in the matter.

7. Regard being had to the nature of the claim, instead of adjourning the matter for filing of counter affidavit on behalf of the State, I deem it proper to dispose of the writ petition itself with a direction to the petitioner to file a



representation raising all her claims before the respondent no. 2 i.e. the Chief Engineer, Water Resource Department, Anishabad, Patna Bihar within four weeks from today.

8. In case of filing of such representation, the respondent Chief Engineer shall be required to look into the claim/claims of the petitioner and dispose of the same by a reasoned and speaking order within six weeks.

9. In case, the claim/claims of the petitioner are found admissible, payment shall be made to the petitioner as early as possible, preferably within two months from the date of disposal of the representation.

10. In case the claim/claims of the petitioner are rejected, the respondent no.2 shall ensure that a copy of the order is transmitted to her by speed post/registered post on her postal address without any delay.

11. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- I. The judgment, which has been dictated during the course of proceeding of the virtual court, shall be



communicated to me on my email by the Sr. Secretary.

- II. The corrected copy of the judgment shall be transmitted by me from my email id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- III. Hard copy of the judgment duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- IV. Let a copy of the judgment be sent to Mr. Rajiv Krishna Bariar, learned counsel for the petitioner also on his email.
- V. Let steps be taken by the Sr. Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.10.2020
Transmission Date	NA

