IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 2194 of 2019

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Rita Devi, Female, aged about 56 years, wife of Late Bishwanath Kumar Singh @ Vishwanath Singh, resident of Mohalla- Gorakshni, P.S. Sasaram Sadar, District- Rohtas (Earlier residing at Jalpura, Aurangabad).

... ... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Social Welfare Department, Main Secretariat, Patna.
2. The Director, Integrated Child Development Services (ICDS for short), Social Welfare Department, Boring Canal Road, Patna.
3. District Programme Officer ICDS Rohtas (Sasaram).
4. Child Development Project Officer, ICDS, Rohtas (Sasaram).
5. District Programme Officer, ICDS, Arwal.
6. Child Development Project Officer, Daudnagar, Aurangabad.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kishore Kumar Thakur, Advocate
For the State	:	Mr. Krishna Kant Singh, AC to SC 10

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 07-09-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Kishore Kumar Thakur, learned counsel for the petitioner and Mr. Krishna Kant Singh, learned AC to SC 10, for the State.

3. The petitioner has moved the Court for the following reliefs:

"(i) For a direction to the respondents to make payment of Death-cum-retiral benefits payable to the Late husband of the petitioner namely, Bishwanath Kumar Singh, who died in harness while functioning as/clerk under the Directorate of integrated Child Development Services of the Social Welfare Department of the respondent State.

(ii) For a further direction to the respondents to make payment of amount of General Provident Fund payable to the Late husband of the petitioner.

(iii) Further prayer is for a direction to the respondents to make payment of Gratuity, leave encashment, amount due towards his Group Insurance, payable to the Late husband of the petitioner.

(iv) For a further direction to the respondents to make payment of arrears of salary due to be paid to the Late husband of the petitioner for the period 01.05.2012 to 31.12.2012, and January 2013 to December 2013, which was not paid to him during his life time because his service during the said period of 22 months was not certified by the respondents. Similarly, the arrears of salary payable to the Late husband of the petitioner for the period of 01.09.2015 to 10.02.2016 which has also not been paid to him be also directed to be paid to the petitioner.

(v) The petitioner further prays that the Family Pension due to be paid to the petitioner, being the legally married wife of Late Bishwanath Kumar Singh, be directed to be fixed on the basis of last pay to be drawn by her husband on his normal date of retirement, and the same be paid to the petitioner.

(vi) Further prayer is to make the entire payment to the petitioner, which may be found payable to her Late husband with statutory as well as penal interest considering the fact that even after about 7 years of his death, the payments due to be made to the Late husband of the petitioner, has not been made to the petitioner."

4. Pursuant to earlier orders, a counter affidavit has been filed and statement of facts received by learned State counsel for filing supplementary counter affidavit has also been uploaded on the e-filing portal. He further submitted that another statement of facts has also been forwarded to learned counsel for the petitioner which shows that all admitted payments of the petitioner have been made. It was submitted that he had also talked with learned counsel for the petitioner and he had admitted to such payments.

5. At this juncture, learned counsel for the petitioner submitted that revision of family pension has still to be done.

6. Having considered the matter, the Court finds that there was no claim with regard to revision of family pension in the writ petition and, thus, there was no occasion for the respondents to file any reply on such point, and further, that the authority has to be issued by the Accountant General which has not been made a party. In view thereof, the Court does not find any purpose of keeping the matter pending.

7. However, the petitioner being entitled to all her dues, should also not suffer.

8. Accordingly, the writ petition stands disposed off with liberty to the petitioner to file representation before the respondent no. 6. If such a representation is filed within six weeks from today,

both in the matter of actual payment in terms of the materials forwarded by learned counsel for the State to learned counsel for the petitioner yesterday, showing payments made to her as also with regard to non-payment of revised family pension, the same shall be looked into by the respondent no. 6 and if it is found that actual payments with regard to already sanctioned amounts, as per the supplementary statement of facts forwarded by learned counsel for the State to learned counsel for the petitioner, have not been made and also if revised family pension is required to be paid and not done, the respondent no. 6 shall initiate the process of ensuring that such payment of the admitted dues of the petitioner is made, within three weeks from receiving of the representation of the petitioner.

9. Thereafter, the officers, who may be responsible for taking follow up action, shall also complete the required formalities, as may be required, latest within six weeks from the date of receipt of the recommendation of the respondent no. 6 to them. The entire exercise be completed within the time frame indicated above. Thereafter, whatever is payable at the level of the authorities itself, the same shall be paid within three weeks from such exercise being completed and with regard to any exercise in which the Accountant General is involved, the same shall be

completed within four weeks from the authorities forwarding the sanction order in favour of the petitioner to the Accountant General. The authorities while forwarding the sanction order to the Accountant General shall also forward a copy of this order so that at the level of the Accountant General, the time frame, as indicated in this order, is strictly complied with.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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