

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3646 of 2019

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Shanti Devi W/o- Late Rajendra Prasad sinha R/o- Village- Makhmilpur, P.s.-
Karpi, Dist- Arwal

... .. Petitioner

Versus

1. The State of Bihar
2. The Commissioner, Department of Excise, Bihar, Patna Patna
3. The Deputy Commissioner, Darbhanga Division Darbhanga
4. The Superintendent of Excise, District , Madhubani Madhubani
5. The Superintendent of Excise District- Darbhanga
6. The Civil Surgeon-cum- Medical Officer, jehanabad
7. The Sub-Inspector of Excise, Benipatti, Madhubani

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

8 09-07-2020 This writ application has been filed seeking direction, *inter alia*, to the respondents to grant leave to the petitioner's deceased husband, who was a Government Servant, ranging from 01.03.2007 to 31.03.2007, when he was sick and was undergoing medical treatment. There are averments made in the writ application that the husband of the petitioner had remained absent intermittently because of his health issues. There are also averments to the effect that the petitioner's husband was from time to time issued show cause notices for his unauthorised absence. He is said to have died on 22.08.2017. His superannuation was due in June, 2019. The petitioner's



husband had earlier moved this Court by filing C.W.J.C. No. 18271 of 2014. Nothing has been mentioned in the writ application as to the purpose for which the writ application was filed.

Be that as it may, a supplementary counter affidavit has been filed on behalf of respondent No.4, the Excise Superintendent, Madhubani, stating therein that the petitioner has been paid all post retiral dues in paragraph 4 and 5.

In the present writ application, filed on behalf of the widow of the deceased employee, nearly five years after his death, the question, as to whether the petitioner's husband was entitled for grant of leave for the period in question, cannot be gone into.

This application is disposed of with a liberty to the petitioner to represent before the competent authority, if, according to her, she has not been paid the entitlements in accordance with law and she is entitled to receive more than what has been sanctioned/paid.

If any such representation is filed within three months from today, the State respondents shall ensure that the petitioner's grievances are looked into and decided within a period of two months thereafter.



It goes without saying that once the respondents come to a conclusion that the petitioner is entitled for more than what has been paid to her, such payments must be made forthwith.

(Chakradhari Sharan Singh, J)

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