IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14845 of 2018

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Usha Devi Wife of Late Bineshwar Kishore, Resident of Village- Chandpur Bela, P.S.- Jakkanpur, District- Patna.

... ... Petitioner/s

Versus

1. The State Of Bihar through the Director General of Police, Bihar, Old Secretariat, Patna
2. The I.G. Tirhut Division, Muzaffarpur.
3. The Superintendent of Police, Vaishali.
4. The Treasury Officer, Patna.
5. The Branch Manager, State Bank of India, Main Branch, Hajipur.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr.Md. N.H. Khan- Sc1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 23-06-2020 Nobody appears on behalf of the petitioner.

Md. N.H.Khan, learned S.C. 1 appeared through Video Conferencing.

The petitioner filed this writ petition for payment of retiral benefits of her husband which was wrongly adjusted by the respondent from the salary amount of her husband. The petitioner further seeks direction for payment of Rs.48,245/- which was deducted from the family pension of the petitioner for adjustment of salary amount of her husband. The petitioner further seeks direction for payment of Rs.32,780/- which was deducted from the family pension of the petitioner for the revolver and 30 cartridges which were handed over to the husband of the petitioner.

The State has filed detailed counter-affidavit. It is stated that petitioner was missing but Rs.4,17,606/- was credited in the salary account of the husband of the petitioner. Out of which Rs.3,69,361/- was adjusted from the amount of Gratuity, unutilised Earned Leave and Group Insurance. Rs.48,245/- remained due after adjustment and, therefore, the same amount was adjusted from the family pension of the petitioner. The husband of the petitioner had taken revolver and 30 cartridges which were not deposited and the cost of the same was assessed to the Rs.32,780/-. Accordingly, the same amount was also adjusted from the family pension of the petitioner. On the face, I find that since the husband of the petitioner was missing but due to inadvertence, the salary of the husband of the petitioner was credited in the salary account of the husband of the petitioner. From 04.12.2004 to 31.8.2007, the husband of the petitioner was missing and the husband of the petitioner is not entitled to get any salary for that period. Therefore, the excess amount paid to the husband of the petitioner has rightly been adjusted from the retiral benefit of the husband of the petitioner and family pension of the petitioner.

Having considered the facts aforesaid, I do not find any merit in this writ petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

Saurabh/-

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