

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19497 of 2018

Asgari Khatoon, wife of late Md. Shamim, resident of Mohalla-Yusufganj (Churipatti) P.O. Laheriasarai, Police Station- Laheriasarai, District- Darbhanga
(Md. Shamim Son of late Abdul Aziz Resident of Mohalla- Yusufganj Churipatti, P.O.- Laheriasarai, District- Darbhanga, Dead)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Executive Officer, Darbhanga Municipal Corporation, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Karn, Advocate
For the State	:	Mr.AC to AAG-7
For Corporation	:	Mr. Bindayachal Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-06-2020 I.A. No. 1/2019 has been filed for substitution of the petitioner who has died on 13.1.2019 leaving behind his wife and other married daughters.

Considering the averments made in the interlocutory application, the prayer for substitution is allowed. Let the name of Asgari Khatoon, wife of Md. Shamim, the original petitioner be substituted in place of Md. Shamim.

The present writ petition has been filed by the petitioner for directing the respondents to make payment of remaining retiral dues, like salary for the strike period of 4 months six days, leave encashment, provident fund, refund of Rs. 8127 deducted without adjustment of bill submitted by the



petitioner, who retired on 31.1.2005 while working on the post of Safai Adhidarsak from Darbhanga Municipality, Darbhanga

Learned counsel appearing on behalf of the petitioner would submit that the original petitioner had earlier approached this Court in CWJC No. 12546 of 2006 which was disposed of on 26.4.2011. Thereafter MJC No. 2424 of 2013 was filed which was disposed of on 13.8.2014 with liberty to agitate the matter in appropriate proceeding.

Counsel appearing on behalf of the State has not filed any counter affidavit but he submits that the petitioner has approached this Court again after four years of disposal of MJC application.

There is no dispute that the petitioner is getting pension but thereafter certain retiral dues is stated to have remained unpaid, a detailed calculation chart has been appended in this writ petition as Annexure-1.

Without going into the merit of the claim of the petitioner, the writ petition is disposed of with liberty to the widow, the successor petitioner to file a representation before the Chief Executive Officer, Darbhanga Municipal Corporation along with a copy of this order disclosing therein the dues which has not been paid to late husband of the petitioner within a



period of one month from today. The Chief Executive Officer shall pass reasoned and speaking order and if anything is found due and payable to the successor petitioner, he shall ensure payment thereof within a period of two months from the date of filing of such representation.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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