

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7002 of 2020

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Kamini Devi Wife of Late Kailash Mandal, Resident of Village- Chhatrubasti,
P.O.- Sameshwar, P.S.- Bahadurganj, District- Kishanganj.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Animal Husbandry Department, Government of Bihar, Patna.
2. The Principal Secretary, Animal Husbandry Department Government of Bihar, Patna.
3. The District Magistrate Kishanganj, District- Kishanganj.
4. The District Animal Husbandry Officer, Kishanganj, District- Kishanganj.
5. The Animal Husbandry Officer Cum Hospital In Charge at Birnia, District- Kishanganj.
6. The Accountant General, Bihar, Patna.
7. Vikash Mandal @ Vikash Kumar Ray Son of Late Kailash Mandal, Resident of Village- Tulsipur, P.S.- Kharik, District- Bhagalpur.
8. Mukesh Kumar Rai @ Mukesh Mandal, Son of Late Kailash Mandal, Resident of Village- Tulsipur, P.S.- Kharik, District- Bhagalpur.
9. Rakesh Kumar Rai @ Rakesh Kumar @ Rakesh Mandal, Son of Late Kailash Mandal, Resident of Village-Tulsipur, P.S.- Kharik, District- Bhagalpur.
10. Reeta Devi @ Anita Devi W/o Dayanand Mandal, R/o At Katghara Diyara, P.O. Fudkichak, P.S.- Gogri, District- Khagaria.
11. Salita Devi @ Sunita Devi, W/o Ajad Mandal, R/o Village + P.S.- Bhawanipur, P.O.- Nagarpara, District- Bhagalpur.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Mrityunjay Kumar, Advocate
For the Respondents : Mr. Pankaj Kumar, SC 12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 03-07-2020

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

The petitioner has filed the instant writ petition for the
following reliefs:-



“(I) For issuance of a writ in the nature of mandamus or any other appropriate writ(s), order (s), direction(s) to the respondents to make payment of family pension and other death cum retirement benefits including gratuity, unutilised leave, general provident fund amount, group life insurance etc. of deceased employee (husband of the petitioner) to the petitioner with all consequential and monetary benefits including the interest upon the dues amount.

And for any other appropriate writ(s), order(s) direction (s) for which the petitioner is entitled for in the facts and circumstances of this case.”

Learned counsel appearing on behalf of the petitioner submits that after death of first wife Late Kailash Mandal joined wedlock with the petitioner in the year 2004. Learned counsel further submits that the husband of the petitioner died in harness on 25.01.2019 Learned counsel further submits in support of the claim of the petitioner, numerous documents were enclosed which show that the petitioner is a legally wedded wife of the deceased employee.

Considering the fact that second marriage was performed with the petitioner after death of the first wife of the deceased employee and there is no impediment in solemnizing second marriage, the writ petition is disposed of with a direction to the respondents to examine the claim of the petitioner for payment of death cum retiral dues after hearing respondent nos. 7 to 11, who claim to be the wards of the deceased employee.



Necessary decision shall be taken by the District Animal Husbandry Officer, Kishanganj (respondent no. 4) after hearing the petitioner and respondent nos. 7 to 11 at the earliest within a maximum period of four months from the date of receipt/production of a copy of this order. Respondent no. 4 shall ensure payment of death-cum-retiral benefits in accordance with the Bihar Pension Rules within the period as indicated above, failing which the petitioner shall be entitled to interest at the rate of 9% per annum from the date of filing of the writ petition i.e. 30.06.2020 till the date of actual payment.

With the aforesaid observation and direction, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06.07.2020.
Transmission Date	N.A.

