

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10376 of 2019

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Shobha Rani Wife of Late Motilal Anand Resident of village Majhaul, Ward
no. 8, P.S. Cheriya Bariyapur District Begusarai.

... .. Petitioner

Versus

1. The State of Bihar Through Principal Secretary Depart of Panchayat Raj Patna.
2. The District Magistrate Begusarai.
3. The District Panchayat Raj Officer Begusarai.
4. The Block Development Officer Naukothi Begusarai.
5. The District Provident Officer Begusarai.
6. The Accountant General of Bihar At Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr.Sabal Kumar Jha, Advocate
For the Respondents	:	Mr.Sanjeet Kumar Singh, AC to AAG 6
For Accountant General :		Mr. Raghawanand, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 16-06-2020

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

Petitioner is a widow of late Motilal Anand who happens to be the Panchayat Sevak and she has no source of income. Her husband resigned from the post on 25.05.2002 under mental pressure. However, later on he has withdrawn his resignation which was accepted by the District Magistrate, Begusarai and husband of the petitioner was directed to be reinstated in service. Unfortunately, he was not reinstated in



service. Thereafter her husband approached the Divisional Commissioner, Munger in Service Appeal No. 03/2011 which was disposed on 04.02.2012 and direction was issued to the District Magistrate, Begusarai to reinstate the husband of the petitioner. The husband of the petitioner died on 25.05.2018 and thereafter this petitioner approached the respondents for payment of death-cum-post retiral benefits on 04.01.2019. For nearly two years after death of husband the petitioner has filed the present writ petition on 06.05.2019.

In the instant case counter affidavit has been filed by the Joint Secretary, Panchayat Raj Department. In various paragraphs of the counter affidavit, the Principal Secretary, Panchayat Raj Department has shifted responsibility from the Circle Officer to the District Magistrate, Begusarai. In the process of shifting his responsibility, the petitioner has not been paid death-cum-post retiral benefits.

Under compelling circumstances, the writ petition is disposed of with a direction to the District Magistrate, Begusarai to decide the claim of the petitioner for payment of entire post retiral dues as the husband of the petitioner was working as Panchayat Sevak and his resignation was withdrawn which was accepted by the District Magistrate on 30.07.2005 and even



Service Appeal No. 03/2011 was disposed of in favour of the petitioner on 04.02.2012. The respondents are directed to ensure payment of the entire dues within a period of three months from the date of receipt/production of a copy of this order failing which the entire dues will carry interest at the rate of 9% per annum which shall be borne by the respondents from their own pocket.

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

(Anil Kumar Upadhyay, J)

BT/-

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

