

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21359 of 2019

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Munni Devi Wife of Late Biltu Ram Resident of Village- Sanaur Dhanusi,
Ward No.3, P.S. Sakari, District- Madhubani.

... .. Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
2. The Executive Officer Nagar Parishad, Madhubani.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Ashutosh Kumar Jha, Adv.
For the Respondents	:	Mr. Rajiv Roy (Gp1)
For Nagar Parishad	:	Mr. Purushottam Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 28-09-2020

Heard learned counsel for the petitioner, learned counsel fore
the State and learned counsel for the Nagar Parishad.

2. The instant writ petition has been filed for a direction to the
respondent no.2 to make payment of all retiral dues payable to the late
husband of the petitioner, namely, Biltu Ram, who retired with effect from
31.03.2009, such as, Gratuity, Provident Fund, Leave Encashment, D.A.,
Group Insurance and revised arrear salary on the basis of 5th and 6th Pay
Revision.

3. A counter affidavit has been filed on behalf of the respondent
no.2 wherein it is stated that the pension of the husband of the petitioner has
been paid till his death on 20.01.2016 and since 21.01.2016 the petitioner is
being paid family pension. The husband of the petitioner has already been
paid total admitted retiral dues being Rs.1,84,409/- under different head such
as Gratuity Rs.1,29,088/- Provident Fund amount Rs.19,097/- and Earned



Leave Encashment Rs.35,424/- vide order dated 13.01.2019 issued by the respondent no.2. As far as payment of revised arrear salary/ pension on the basis of 5th and 6th Pay Revision is concerned, it is stated in the counter affidavit that in terms of the resolution/direction of the State Government bearing No. 3933 dated 25.07.2018 and letter no. 4061 dated 27.07.2018, steps are being taken for fixation of revised scale and the revised scale will be paid to the petitioner just after receiving some grant from the State Government in this regard.

4. In reply, learned counsel for the petitioner submitted that it is true that other arrears of the deceased employee have been cleared by the respondent but the counter affidavit is totally vague on the point of payment of revised arrear on the basis of 5th and 6th Pay Revision. He contended that the similar as well as junior to the husband of the petitioner have been paid revised salary on the basis of 5th and 6th Pay Revision. Therefore, the respondent no.2 has not filed the counter affidavit speaking the truth.

5. The contention raised by the petitioner is disputed by the learned counsel for the respondent no.2. He submitted that no junior to the petitioner's husband has been paid the arrears of revised salary on the basis of 5th and 6th Pay Revision.

6. Considering the nature of dispute between the parties, the writ petition is disposed of with a direction to the petitioner to file a representation before the respondent no.2 in respect of her remaining grievances within a month.

7. In case of filing of such representation, the respondent no.2 shall be required to dispose of the same by a speaking and reasoned order within four weeks from the date of filing of the representation.



8. The petitioner would be at liberty to challenge the speaking order before this Court, if so advised.

(Ashwani Kumar Singh, J)

Pradeep/-

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

