

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.23207 of 2019**

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Savitri Devi aged about 75 years (Female), Wife of late Hardyal Sinha @ Hari Dyal, Resident of Village- Katgharawan, P.O. Chausa, P.S. Buxar(Mufassil), District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
2. The Secretary, Agriculture, New Secretariat, Patna.
3. The Agriculture Production Commissioner, Department of Agriculture, New Secretariat, Patna.
4. The Agriculture Director, New Secretariat, Patna.
5. The Accountant General, Virchand Patel Marg, Patna.
6. The Director General, Provident Fund, Finance Department, Govt. of Bihar, Pant Bhawan, Bailey Road, Patna.
7. The District Provident Fund Officer, Patna.
8. The Joint Agriculture Director, Upyogi Anusandhan Bihar, Patna- 1,
9. The District Treasury Officer, Patna.
10. The Superintendent of Police, Buxar.
11. The Officer in Charge, Buxar (Mufassil), Police Station, District- Buxar.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s       | : | Mr. Pawan Kumar Singh with<br>Mr. Pradhan Murli Manohar Prasad, Advocates |
| For the State              | : | Ms. Shalini Rani, AC to SC 17                                             |
| For the Accountant General | : | Mr. Vivekanad Kumar, Advocate                                             |

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date : 06-01-2020**

Heard learned counsel for the petitioner; learned AC to SC 17 for the State and learned counsel for the Accountant General.

2. The petitioner has moved the Court for the following reliefs:



*“(i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of Mandamus commanding and directing upon the respondents to grant of family pension and arrears thereof to the petitioner whose husband was unheard for about 7 years and presumed to be dead.*

*(ii) To direct the respondents to make the payment of consequential relief/s to which the petitioner may be found entitled in the facts and circumstances of the case.*

*(iii) To make the payment of statutory or penal interest whichever is applicable in the facts and circumstances of the case.*

*(iv) To any other relief/s to which the petitioner may found entitled in the facts and circumstances of the case.”*

3. At the very outset, the Court finds that the husband of the petitioner had stopped attending to his duties with effect from 01.09.1987 and finally he was removed from service by order contained in Memo No. 713 dated 14.06.1997.

4. The petitioner claims that her husband had gone missing from 01.09.1987. However, with regard to the same, there is no material which can be relied upon in law to authenticate that the husband of the petitioner had gone missing as there is not even a police report. The explanation given in the pleadings that she had approached the police but no action was taken cannot be accepted as it cannot be believed that the wife and other relatives of a person who goes missing would only casually approach the authority and thereafter take no steps in



the matter.

5. Having regard to the aforesaid, the Court finds that there cannot be any direction to grant the reliefs prayed for as the service of the husband of the petitioner had been terminated way back on 14.06.1997 and the order has attained finality since then without being assailed anywhere.

6. In the aforesaid background, the application stands disposed off.

**(Ahsanuddin Amanullah, J)**

Anjani/-

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