

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11790 of 2017

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Sunita Devi Wife of SAP No. 933 Late Upendra Prasad c/o Sri Deo Prasad
Singh illage-Dhibra, P.O.-Shikarpur, District-Patna Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna (Bihar).
2. The Director General of Police, Patna, Bihar.
3. The Superintendent of Police, District- Samastipur, Patna, Bihar
4. The Chief Record Officer, Government of Bihar, Patna, Bihar.
5. Smt. Sunita Devi Daughter of Ram Prawesh Singh, Resident of Village- Heridih, P.O.-Malari, P.S.-Makdumpur, District-Jehanabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ful Man Singh, Adv.
For the Respondent/s : Mr.Manish Kumar -GP 4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 07-01-2021 Though, the present petition has been filed only for sanction of family pension, arrears of pension, earned leave amount, amount of due salary and life insurance amount, the said claim of the petitioner does not appear to be admissible in view of the deceased husband of the petitioner being a contractual employee belonging to Special Auxiliary Police force, as is apparent from the terms and conditions of contractual employment contained in the resolution of the Home (Police) Department, Government of Bihar, Patna dated 27.02.2006.

At this juncture, the learned counsel for the petitioner has submitted that the said resolution dated 27.03.2006 also provides for payment of ex-gratia amount in case such an employee dies during the course of performing his duty.



This Court is of the view that such issue, as to whether the husband of the petitioner has died while performing his duty as SAP or not is required to be decided by the competent authority, inasmuch as disputed question of facts cannot be decided in a writ petition under Article 226 of the Constitution of India and moreover, the petitioner has not made any prayer in the present writ petition for grant of ex-gratia amount of Rs. 10 lacs.

In such view of the matter, the learned counsel for the petitioner seeks liberty to approach the Director General of Police, Bihar, Patna for redressal of the grievances of the petitioner.

Accordingly, the present writ petition stands disposed of as not pressed, however, with liberty to the petitioner to approach the Director General of Police, Bihar, Patna by filing an appropriate representation, setting out her claim, which in turn is directed to be decided within a period of four weeks thereafter, by a reasoned and a speaking order.

(Mohit Kumar Shah, J)

Tiwary/-

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