

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2754 of 2017

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Saraswati Devi wife of Late Surendra Prasad Yadav, Resident of Village-
Pachpokharia, PO- Tikuliya, Via- Chhauradano, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, the Department of Agriculture, Govt. of Bihar, Patna.
2. The Director, Directorate of Agriculture, Govt. of Bihar, Patna.
3. The Dy. Director Administration Directorate of Agriculture, Govt. of Bihar, Patna.
4. The Joint Director, Department of Agriculture, Tirhut Division, Muzaffarpur.
5. The District Agriculture Officer, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Binod Kumar Mishra, Advocate
For the State : Mr. Raghwanand, GA-11

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 29-01-2021 Heard the parties through virtual mode.

In the present writ application, the following reliefs
have been sought for on behalf of the petitioner :

1(i) To issue a writ in the nature of Mandamus
to direct the respondents to make payment of
following dues amount accrued from the service of
husband of petitioner who retired on 31.07.04 and
died on 08.12.05.

(a) Dues salary from the period of 01.03.1994 to
15.09.1995.

(b) Dues salary from the period of 01.02.02 to
28.02.2002.

(c) Dues salary from the period of 01.05.02 to



28.02.2004.

(ii) To direct the respondents to add following service period as a part of the continuity of service of husband of petitioner and accordingly salary may be revised and accordingly dues salary may be paid as per fresh computation of revised salary :-

(a) 08.04.1988 to 28.02.1994

(b) 03.1994 to 15.09.1995

(c) 01.02.2002 to 25.02.2002

(d) 01.05.02 to 28.02.2004

(iii) To direct to grant benefit of A.C.P. to the service of husband of petitioner and make payment of differential dues amount as per revised salary.

(iv) To grant all other benefit to the service of the husband of petitioner in accordance with law and make payment there of forthwith to this petitioner.

On behalf of the State, it has been submitted that the husband of the petitioner expired in the year 2005 and during his life time he had never claimed any such reliefs. After the death of the husband of the petitioner in the year 2005, the present writ application has been filed in the year 2017. Hence the present writ application is not maintainable in the light of the order dated 09.11.2009 passed in C.W.J.C. No.2201 of 2009 and in the light of the order dated 13.01.2010 passed by the Division Bench in L.P.A. No.76 of 2010 and also in the light of the order passed by the Hon'ble Supreme Court in the case of



State of Maharashtra versus Digambar reported in AIR 1995 SC
1991.

Considering the submissions advanced on behalf of the
Counsel for the State, I do not find any merit in the present writ
application.

The petitioner, if so advised, may file a representation
before the competent authority for redressal of her grievance.

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

(Sudhir Singh, J)

Narendra/-

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