

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10675 of 2020

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Raj Abhinit Prasad, Son of Late Raj Ballabh Prasad, Resident of Village and Post - Madhopur, P.S. Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary of the Public Health Engineering Department, Government of Bihar, Patna.
2. The Principal Secretary of the Finance Department, Government of Bihar, Patna.
3. The Engineer-in-Chief of the Public Health Engineering Department, Govt. of Bihar, Patna.
4. The Joint Secretary (Management Cell), Public Health Engineering Department, Govt. of Bihar, Patna.
5. Raj Abhishek Son of Late Raj Ballabh Prasad Resident of Village and P.O.- Madhopur, P.S.- Bakhtiyarpur, District- Patna.
6. Aniket Raj Son of Late Raj Ballabh Prasad Resident of Village and P.O.- Madhopur, P.S.- Bakhtiyarpur, District- Patna.
7. Raj Abhijit Prasad Son of Late Raj Ballabh Prasad Resident of Village and P.O.- Madhopur, P.S.- Bakhtiyarpur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nawal Kishor Singh, Adv.
For the Respondent/s	:	Mr. Manoj Kumar, AC to GP-24
For Respondents 5 to 7	:	Mr. Sidharth Harsh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 02-12-2021 Heard the parties.

2. Learned counsel for the petitioner submits that GPF amount payable to the deceased father of the petitioner has been paid to the petitioner and so far as family pension, gratuity, arrears of salary, arrears of family pension pursuant to the first and second ACP granted to father of the petitioner with effect from 09.08.1999 and 15.06.2008, are concerned, the same have not been paid.



3. Learned counsel for the petitioner submits that the petitioner has got three brothers and they have been made party/respondents in this case as Respondents No. 5, 6 and 7 and they have relinquished their rights to receive retiral benefits of their deceased father in favour of the petitioner for which an affidavit has been sworn by his brothers/Respondents No. 5, 6 and 7 in the year 2012 itself and a copy of which, has been annexed as Annexure-1/A to this petition.

4. Mr. Sidharth Harsh, learned counsel appearing for Respondents No. 5, 6 and 7 supports the contention of learned counsel for the petitioner and submits that the aforesaid respondents, who are sons of deceased employee, have given no objection in favour of the petitioner and, have jointly stated in an affidavit submitted by them, available at Annexure-1/A to this petition, that all the retiral dues and benefits should be given to their brother, i.e., petitioner, namely, Raj Abhinit Prasad.

5. He next submits that Respondents No. 5, 6 and 7 have got no objection if family pension and other benefits accrued in their favour be also given to the petitioner by the State Government.

6. Learned counsel for the State submits that in view of submission made by the petitioner as well as that of



Respondents No. 5, 6 and 7, a process for payment of all retiral dues including family pension shall be initiated by the State in favour of the petitioner within a period of three months.

7. Having heard learned counsel for the parties and after perusal of the material on record, it appears that the father of the petitioner died in harness from the post of Upper Division Clerk in Public Health Engineering Department, Government of Bihar, Patna on 06.01.2012. Petitioner is the youngest son of the deceased employee and other three brothers of the petitioner have relinquished their rights to receive death-cum-retiral dues in favour of the petitioner and in view of the submission made by the learned counsel for the State, let process for payment of all the retiral dues including family pension, gratuity etc., along with statutory interest, if admissible, be started and paid in favour of the petitioner within a period of four months from the date of receipt/production of a copy of this order.

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

(Anil Kumar Sinha, J)

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