IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19096 of 2019

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Shanti Devi W/o Late Badri Ram Resident of Village- Gopinath, Dokara, P.O. and P.S.- Saraiya Factory, District- Muzaffarpur.

... ... Petitioner/s

Versus

1. The State of Bihar through the Secretary Home (Police) Department, Bihar, Patna.
2. Director General of Police cum Inspector General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Darbhanga Range, Police Line, Laheriasarai.
4. The District Magistrate, Darbhanga.
5. The Senior Superintendent of Police, Darbhanga.
6. The Surgent Major, Darbhanga.
7. The Superintendent of Police, Banka.
8. The Superintendent of Police, Shekhpura.
9. The Surgent Major, Shekhpura.
10. The Treasury Officer, Muzaffarpur.
11. The Accountant General, Bihar, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the State	:	Mr. Md. Nadim Seraj ,G.P 5
For the A.G	:	Mr. Satendra Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
Date : 22-01-2021

No one appears for the petitioner. Learned counsel for the State and learned counsel for the Accountant General are present.

The petitioner has filed the instant writ application for directing the respondents to pay the amount of death-cum-retrial dues under the head of gratuity, family pension, group insurance, provident fund, leave encashment besides others.

It is the case of the petitioner that her husband after more than 29 years of service retired on 31.3.2012 from the post of constable from police line Darbhanga. He died on 5.8.2019. Not having been paid the death- cum- retiral dues, the instant writ application was filed for the prayers as stated above.

A counter affidavit on behalf of the respondent nos. 8 and 9, a counter affidavit on behalf of respondent no. 11 and two counter affidavits on behalf of respondent nos. 5 and 6 have been filed in the case.

Referring to the contents of paragraph nos. 7, 8, 9 and 10 of the supplementary counter affidavit filed on behalf of the respondent nos. 5 and 6, it is stated by learned AC to GP 5 that the entire dues of the retiral benefits payable to the petitioner's husband has been paid to the petitioner and no other amount remains to be paid.

For ready reference paragraph nos. 7, 8, 9 and 10 of the above supplementary counter affidavit is reproduced herein below :

> "7. That as per the aforesaid reports of the Deputy Superintendent of Police (Reserve) and the Accountant, it is submitted that husband of the petitioner Constable/393 Badri Ram retired from police service on 31/3/2012 and following retiral benefits and provisional pension from 01/04/2012 to 31/08/2015 have been paid to the petitioner's husband during his life time.
> (i) Provisional pension from 01/04/2012 to 31/01/2014 @ Rs. 6,255/- total Rs.

1,37,610/- and from 01/02/2014 to 31/08/2015 @ Rs. 9289 Total Rs. 1,76,491/- from 01/04/2012 to 31/08/2015 total Rs. 3,14,101/- has been paid to the petitioner's husband as provision pension.

(ii) Provisional Retiral Gratuity (90%)
Rs. 2,89,078/-

(iii) Leave encashment for 300 days:-
Rs.2,06,420/-

(iv) Provident fund :- Rs. 3,07,968/-

(v) Group Insurance :-Rs. 1,48,287/-

Total :- Rs. 12,65,854/-

has been paid to the petitioner's husband after retirement during his life time.

"8. That it is also submitted that on 22/08/2011 vide Memo No. 2294/R.O. all pension papers along with service book of the petitioner's husband have been send to the Accountant General, Bihar, Patna for fixation of permanent pension and authority letter for payment of rest of 10% of Gratuity amount and accordingly the Accountant General, Bihar, Patna after fixation of pension has issued P.P.O. (pension payment order) No. 201211062555 and G.P.O No. 201211062555 on 03/10/2012 for payment of pension and gratuity to the petitioner's husband, copy of P.P.O and G.P.O. along with service Book has been sent back to Reserve Office, Police Line, Darbhanga and copy of P.P.O and G.P.O. have been also sent to Treasury Officer, Muzaffarpur for needful and another copy of P.P.O. and G.P.O to the petitioner's husband but on enquiry the Treasury Officer, Muzaffarpur informed pensioner has not appeared before the Treasury Officer, Muzaffarpur with P.P.O and G.P.O for payment of regular pension and balance of Gratuity amount as such provisional pension was stopped after August 2015."

> "9. That no objection certificate has been issued to Treasury Office, Muzaffarpur by Reserve, Sub-Inspector-I, Police Line, Darbhanga to start pension and copy of N.O.C has been given to the petitioner and the petitioner has been directed to contact Treasury Officer, Muzaffarpur regarding payment of arrears of pension and family pension to the petitioner."
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> "10. That there are no dues of any retiral benefits or any other matter regarding pension with respect to the petitioner's husband is pending in account office or reserve office of Senior Superintendent of Police, Darbhanga."

In view of the aforesaid facts, in the opinion of this Court, no useful purpose would be served in keeping the instant writ application pending and as such the same is disposed off. However, liberty is granted to the petitioner that in case if any further amount remains due and payable to the petitioner's husband, a representation may be filed before the respondent nos. 5 and 6 who shall pay the amount found due within a period of four months of the filing of the representation. If no amount is found payable, the same shall be communicated to the petitioner by a reasoned order within the aforesaid period.

Writ petition stands disposed off.

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	