

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10432 of 2021

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1. Trilokinath Pathak Son of Sri Harishankar Pathak Resident of Village- Hujhujipur, P.O.- Tiyya, P.S.- Aandar, District- Siwan.
 2. Gita Devi Wife of Trilokinath Pathak Resident of Village- Hujhujipur, P.O.- Tiyya, P.S.- Aandar, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police Bihar, Patna.
3. The D.I.G. of Police Patna Range, Patna.
4. The A.I.G. of Police Welfare, Bihar, Patna.
5. Senior S.P. Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Hriday Prasad, Advocate.
For the Respondent/s : Mr. Suman Kumar Jha, (AC to AG 3)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 15-11-2022

Heard Mr. Ram Hriday Prasad, learned counsel for the petitioners and Mr. Suman Kumar Jha, learned AC to AG 3 for the State.

By filing the present writ application the petitioners seek a direction upon the respondents, especially, respondent no.5 to ensure payment of gratuity, insurance, GPF and other admissible outstanding dues/benefits on account of sudden demise of daughter of the petitioners, namely, Savita Kumari Pathak, during his service period.



Shorn of unnecessary details, it is submitted that the daughter of the petitioners, namely, Savita Kumari Pathak, was posted as constable in the district of Patna, who died in harness on 02.11.2018 leaving behind her parents (petitioners), two brothers and two sisters. It is submitted that though the daughter of the petitioners had served the department for two months and twelve days, but save and except some amount nothing has been paid to them.

On the other hand learned counsel for the State by referring to the averments made in the counter affidavit submitted that the deceased employee had joined as a constable on 20th August 2018 on probation under the New Pension Scheme, and she died on 2nd November 2018 and therefore, on the date of death, the employee has only completed two months and twelve days of service that without creation of any Permanent Retirement Account Number and as such could not draw even her salary thereof. He further submits that in terms of the Finance Department notification dated 28.08.2017 an eligible person on behalf of the deceased employee entitled for gratuity and other benefits for the two months of service rendered by the deceased employee. He lastly submits that from the averments, it appears that communication has been made to the petitioner no.1 to appear



along with necessary relevant documents, however, due to no response made by the petitioners the final settlement could not be made.

At this juncture, learned counsel for the petitioners submits that in compliance of the letter/information given by the concerned respondent, both the petitioners appeared, and necessary requisite documents were submitted.

Having regard to the submission made on behalf of the parties, this writ application is disposed of with a direction to the Senior Superintendent of Police, Patna to consider the claim of the petitioners and ensure the payment of outstanding dues along with admissible interest of the petitioners as early as possible preferably within a period of eight weeks from the date of receipt/production of a copy of this order along with relevant documents, if required.

It is needless to say that the entire payment must be made within the aforesaid period, failing which exemplary cost would be imposed against the erring officials.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.11.2022.
Transmission Date	NA

