

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8514 of 2022

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Vibha Kumari Wife of Late Nilesh Kumar and Daughter of Anil Kumar Singh
Resident of New A.G. Colony, Danapur, Patna, Bihar, Pin-801503.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Special Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The Secretary, Finance Department, Government of Bihar, Patna.
4. The Accountant General (A and E), Bihar, Patna.
5. The District Magistrate, Nawada.
6. The District Supply Officer, Nawada.
7. The Sub Divisional Officer, Nawada Sadar, Nawada.
8. The Treasury Officer, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Niranjana Kumar, Advocate. Mr. Kunal Kishan, Advocate. Mr. Ravi Ranjan, Advocate.
For the Accountant General:	^	Mr. Ram Yash Singh, Advocate.
For the Respondent/s	:	Mr. Vijay Kumar Sinha, AC to AAG 5.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 24-11-2022

Heard Mr. Niranjana Kumar, learned counsel for the petitioner duly assisted by learned counsels Mr. Kunal Kishan and Mr. Ravi Ranjan, Mr. Ram Yash Singh, learned counsel for the respondent Accountant General and Mr. Vijay Kumar Sinha, learned AC to AAG 5 for the State.

The present writ application has been filed seeking a direction upon the respondent for payment of the death-cum-retiral benefits with statutory interest.



It is submitted that the husband of the petitioner died on 06.05.2021, while working as Supply Inspector, Nawada. He submitted that despite the unfortunate demise of the husband of the petitioner, when she has not been paid his death-cum-retiral benefits, she was compelled to approach before this court by filing the present writ application.

In compliance of the order dated 20.10.2022, a counter affidavit has been filed on behalf of the respondent nos.5 and 6. Mr. Sinha, learned AC to the AAG 5, by referring to the statement made in the counter affidavit submits that now the entire substantive amount under the death-cum-retiral benefits have stood paid to the petitioner, save and except the amount under the NPS. It is further contended that for payment of amount deposited in New Contributory Pension Scheme, the petitioner was to file an application in prescribed format, but she failed to submit the prescribed form along with requisite documents, despite repeated request and the letters sent to her. Finally, in compliance of the order of this court and to sort out the issue, three officials were authorized to visit the house of the petitioner to obtain the signature over the prescribed format, but again she refused to put her signature, nor she submitted requisite documents.



On the other hand, learned counsel for the petitioner vehemently denied the allegation and submitted that the petitioner had always been ready to put her signature in the prescribed performa, but the officials had come with the blank paper and asking for signature over that and as such, she rightly refused to put her signature.

Be that as it may, having considered the submission made on behalf of the parties, this Court directs the concerned respondent authorities, especially the Block Supply Officer, Kauakol, Nawada/any competent authority to visit the house of the petitioner on 01.12.2022 and ensure the completion of all the necessary formalities so that the payment under the New Contributory Pension Scheme, would be made available to her as early as possible.

This court also direct the petitioner to cooperate in the matter and furnish the necessary requisite documents, if need be, on the same date on 01.12.2022.

It is needless to say that the entire formalities must be completed within a period of two weeks and necessary payment must be made thereafter within a further period of four weeks. Any defiance of the order, would be dealt with sternly.



Accordingly, the present writ application stands disposed of with the aforesaid observation/direction.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.11.2022.
Transmission Date	NA

