

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.462 of 2021

=====

Mala Devi Wife of Late Ram Nath Singh resident of Quarter No. 66/84,
Shastri Nagar, P.O. and P.S.- Shastri Nagar, District- Patna- 800023.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director of Mantri Mandal, Sachivalaya (Rajya Bhasha) Government of Bihar, Patna.
3. The Executive Engineer, Kar Par- Mandal, Department, New Punaichak, Patna.
4. The Section Officer-cum- Drawing Disbursing Officer (D.D.O.), Patna, Mantri Mandal, Sachivalaya (Rajya Bhasha), Department, Patna.
5. The Treasury Officer, Sachivalya Bhawan, Patna.
6. The Accounts Section, Mantri Mandal Sachivalay (Rajya Bhasha), Patna.
7. The Director of G.P.F., Pant Bhawan, Patna.
8. The Junior Engineer of Building Construction and Housing Department, Shekhpura Sector- 2, Patna.
9. The Accountant General, (A.G. Bihar), Virchand Patel Path, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha No.3, Advocate
For the Respondent/s : Mr. Rohitabh Das (AC to AAG 13)

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 03-11-2022

Heard Mr. Ashok Kumar Sinha, learned counsel
appearing on behalf of the petitioner and Mr. Rohitabh Das,
learned AC to AAG 13.

2. The present writ application has been filed for the
following reliefs :-

(I) To direct respondent state for payment of entire
retirement benefits such as salary, pension, G.P.F., A.C.P.
Gratuity Insurance and other benefits in which this petitioner
(Widow) has been retired on 31.01.2020 from the post of Office



Attendant (parichari) of Mantri Mandal, Sachivalaya (Rajya Bhasha), Department, Patna.

(II) To direct responder State to release entire payment of post retirement benefits are the basis of vacating the fiat Quarter No. 66/84 of Shastri Nagar, Patna.

(III) To direct respondent state to release of no dues certificate of Quarter No. 66/84 of Shastri Nagar, Patna on the basis vacillating said October.

(IV) To direct respondent state not recovery Rs. 36,914/- of Rent from salary in convection of fiat 66/84 of Shastri Nagar, Patna because she is widow, which is illegal and arbitrary in law.

(V) To direct respondent state to make payment retiral dues (Post Retirement Benefits) with interest and also penal interest of mental agony ageing and harrassment of the pensioner (widow) who is retired since long period on 31.01.2020 from post parichari (Rajya Bhasha).

(VI) To direct respondent state of release entire retiral benefit which is with held by the said department in which the petitioner has constitutional right under Article 14 of Constitution of India.

(VII) To direct respondent state to make payment of post retirement benefits of the said pensioner is urgently and as early as possible by the said department on the basis of vacating the said quarter & 66/94 because she has not any petty of amount and leads starvation.

3. It is submitted that the petitioner, is a hapless widow, retired from her services on 31.01.2020 from the post of Office Attendant of Mantri Mandal Sachivalaya, (Rajya Bhasha), Patna, however, on account of alleged unauthorised occupation of



quarter by the petitioner, the substantial retiral benefits have not been paid to her nor the No Objection Certificate has been issued till date. It is further contended that in compliance of the order of this Court, the quarter occupied by her has already been vacated in the month of September 2022, however, the remaining amount under the retiral benefits, have not been paid, but on the other hand the authorities have realised penal rent over the alleged unauthorised occupation of the quarters, which is not permissible, in view of the law laid down by this Court in Durga Prasad Upadhyaya Vs. State of Bihar and Ors. since reported in 2005 (4) PLJR 358.

4. On the other hand, learned counsel for the State submits that it would be appropriate, if the petitioner would file a detailed representation, stating her grievances before the respondent no. 3, the same would be disposed of and on being found her entitled, necessary payment shall be made.

5. In view of the submissions made on behalf of the parties, the present application is disposed of with a direction to the respondent no. 3 to ensure the necessary payments of remaining retiral dues, 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 the representation.



6. It is needless to say that if such representation would be filed along with the order of this Court, the concerned respondent no. 3, not only pass the necessary order for payment of remaining retiral dues, but also ensure that the amount must be credited into the account of the petitioner further the claim for refund of the amount adjusted as penal rent shall also be considered sympathetically in the light of the order of this Court as discussed above.

7. Accordingly, the present writ application stands disposed of.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.11.2022
Transmission Date	NA

