

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.480 of 2022

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Musmat Fuleshwari Devi Widow of Late maheshwar Raut @ Maheshwar Mehtar, Resident of 1-type Colony, Ward no.12, Near Kargil Chowk, Durga Mandir, Basantpur, Birpur, District-Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Bihar Old Secretariat, Patna.
2. The District Magistrate, Supaul.
3. The Deputy Collector, Establishment, District-Supaul.
4. The Sub Division Officer, Basantpur, District-Supaul.
5. The Block Development Officer, Basantpur, District-Supaul.
6. The District Provident Officer, Supaul.
7. The Treasury Officer, Supaul.
8. The Accountant General (A and E), Bihar, Birchand Patel Path, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar
For the Accountant General	:	Mr. Binod Kumar Labh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 28-06-2022 The present writ petition has been filed to direct the Respondents to pay the death-cum-retiral dues of the deceased employee, who died in harness on 21.4.2021 while working as Sweeper / Helper in the office of Block Development Officer, Basantpur, Supaul.

The respondents have filed a counter affidavit wherein it has been stated in paragraph no. 9 that the husband of the petitioner, namely,



Maheshwar Raut (deceased) had submitted an application on 7.7.2020 along with an affidavit sworn before the Executive Magistrate, Birpur, before the Respondent No. 5, praying therein to enter the name of his wife i.e. the petitioner herein in his service book as nominee for which he had also submitted a request earlier. It has also been stated in the counter affidavit that after the death of the employee, not only the petitioner but her step-son, namely, Ashok Kumar Raut, had also appeared before the Respondent No. 5 and claimed for monetary benefits / death cum retiral dues of the deceased employee.

The learned counsel for the Respondents has further submitted that as many as five legal heirs of the deceased employee have claimed the death cum retiral dues, hence, it would be appropriate if the matter is relegated to the concerned authority for adjudicating the respective claims of the parties, in accordance with the Bihar Pension Rules and the various departmental circulars issued from time to time.



Accordingly, the present writ petition stands disposed of with a direction to the District Magistrate, Supaul to adjudicate the claim of the petitioner and others as far as payment of death cum retiral dues of the deceased employee is concerned. It is expected that necessary decision shall be taken, after hearing the concerned parties, within a period of eight weeks from today and accordingly the necessary payments shall be made within a period of four weeks, thereafter.

It is needless to state that any deviation from the aforesaid timeline may attract contempt proceeding qua the District Magistrate, Supaul.

(Mohit Kumar Shah, J)

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