

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6331 of 2020

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Baleshwar Prasad S/o Late Radha Krishna Prasad, Resident of Mohalla-SaiSah Regency, Behind Kajipur Road No. 1, Flat no. 105, Rajendra Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Additional Secretary, Health Department, Government of Bihar, Patna.
4. The Under Secretary, Health Department, Government of Bihar, Patna.
5. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
6. The Principal Secretary, Finance Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None.
For the Respondent/s	:	Mr. Ravi Kumar, AC to GP-13. Mr. Ajit Anand, AC to GP-13.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
Date : 19-06-2023

None appears on behalf of the petitioner. Mr. Ravi Kumar and Mr. Ajit Anand, learned AC to GP-13 appeared on behalf of the State.

2. The instant writ application has been filed by the petitioner for issuance of appropriate writ / order / direction upon the respondents to modify the sanction order of the provisional pension payment order issued by the Health Department, Government of Bihar vide Memo No. 1300 (5) dated 05.11.2019 as well as provisional gratuity payment order



issued vide Memo No. 1299 (5) dated 05.11.2019 both under the signature of Under Secretary, Health Department, Government of Bihar, Patna and in place thereof issued / sanction order for 100% regular pension and gratuity.

3. Petitioner had retired from his service from the post of Section Officer, Health Department, Government of Bihar on 31.07.2019. During the pendency of the present writ petition, the petitioner died. The petitioner is not represented. This case was adjourned vide order dated 02.03.2023 recording the said fact. Today, also petitioner remained unrepresented.

4. Learned counsel appearing on behalf of the State submits that from perusal of the writ petition as well as from the statement made in the counter affidavit as well as supplementary counter affidavit, it is admitted that petitioner has been paid all the retiral dues on different heads. After the death of the petitioner, wife of the petitioner namely Smt. Manu Prasad is being paid family pension regularly. In the supplementary counter affidavit in Paragraph No.8, statement has been made that the following admitted dues have been paid. The same is reproduced hereunder:

(i) Pension is regularly being paid to the petitioner (now to the wife of the deceased employee).

(ii) Gratuity – Rs. 16, 56, 369/- (Sixteen Lac Fifty Six Thousand Three Hundred Sixty Nine Only), has been paid vide Bill No. 68 (pen) dated 17.01.2020.



- (iii) Unutilized Earned Leave – Rs. 10,03, 860/- (Ten Lac Three Thousand Eight Hundred Sixty only) has been paid vide Bill No. 53 (pen) dated 13.11.2020.
- (iv) Group Insurance – Rs. 2, 39, 411/- (Two Lac Thirty Nine Thousand Four Hundred Eleven only) has been paid vide Bill No. 31 (pen) dated 20.08.2019.
- (v) GPF – Rs.4, 68, 261/- (Four Lac Sixty Eight Thousand Two Hundred Sixty One only), has been paid vide Bill No. 40(pen) dated 06.09.2019.
- (vi) Commuted value of pension – Rs. 16, 66, 510/- (Sixteen Lac Sixty Six Thousand Five Hundred Ten only), has been sanctioned vide Authority letter bearing P.P.O. No. 202011171494PO).

5. Considering the statement made in the writ petition as well as in the supplementary counter affidavit, it appears that all the retiral dues admissible to the deceased employee who is no more and on whose behalf present writ petition has been filed has been paid including pension to his wife Smt. Manu Prasad.

6. In case the wife of the deceased employee who is the original petitioner is still aggrieved for non-payment of any admissible dues which still remains to be paid to her, in that case, she is at liberty to avail appropriate remedy.

7. Accordingly, the writ petition stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	21.06.2023
Transmission Date	N.A.

