

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9914 of 2022

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Kanija Khatoon W/o- Late Md. Ansarul Haque R/o- Village- Chainsingh Patti, P.S.- Supaul, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Principal Accountant General, Bihar, Patna.
4. The Collector, District- Supaul.
5. The Provident Fund Officer, District- Supaul.
6. The Treasury Officer, District Office, Saharsa.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6197 of 2022

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Zahida Khatoon, Wife of Late Md. Ansarul Haue, resident of Village- Chainsingh Patti, Ward No. 01, P.S. and District-Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Finance Department, Bihar, Patna.
2. The Deputy Secretary, Finance Department, Government of Bihar, Patna.
3. The Principal Accountant General, Bihar, Patna.
4. The District Magistrate, District-Supaul.
5. The Senior Treasury Officer, District Office, Supaul.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 9914 of 2022)

For the Petitioner/s : Ms. Mallika Mazumdar, Adv.

: Mr. Md. Nazu Ansari, Adv.

For the Respondent/s : Mr. Anil Kr. Singh (GP-26)

(In Civil Writ Jurisdiction Case No. 6197 of 2022)

For the Petitioner/s : Mr. Shivendra Kishore, Sr. Adv.

: Mr. Nafisuzzoha, Adv.

For the Respondent/s : Mr. Anil Kumar Singh (GP- 26)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

6 16-01-2023

Heard Ms. Mallika Mazumdar along with Mr. Md.

Nazu Ansari, learned counsels for the petitioner of CWJC No. 9914 of 2022, Mr. Shivendra Kishore, learned Senior Counsel along with Mr. Nafisuzzoha, learned counsel for petitioner of CWJC No. 6197 of 2022 and Mr. Anil Kumar Singh, learned GP- 26 for the Respondents.

Both the learned counsels for the petitioners have filed the present petitions seeking the relief to pay the retiral dues of the deceased husband with the statutory interest from the date of his death i.e. 05.12.2021 including a family pension. Petitioner of **CWJC 914 of 2022** is the second wife whereas petitioner of **CWJC 6197 of 2022** is the first wife of the deceased husband, who joined service as Block Translator on 18.02.1982 and died on 05.12.2021 from the post of clerk in District Treasury Office, Supaul.

There are certain admitted things which are on record and both the counsels of the writ petition have accepted them, which are as follows:-

1. The deceased employee had 2 wives. From the first wife the said employee have 4 children, out of which 2 are sons and 2 are daughters, whereas, to the second wife 8 children, out of which there are 4 sons and 4 daughters.

2. In both the cases, neither the first wife nor the second wife made party to each other. But at the time of argument in both the cases vide order number 4 dated 29.11.2021, this case was clubbed thereafter they fairly admit that the above mentioned status of the family are acceptable to both the parties.

Learned counsels jointly submit that for the payment of retiral dues, there is a circular which is **1549** dated **27.06.2011** and there are some submissions that they have relied upon which are as follows :-

1. 2017(2) PLJR 920

2. 2014 (3) PLJR 588

3. 2009(4) PLJR 710

4. AIR 1984 SC 346

5. 1993(1) SCC 325

With a view that there must be no future dispute exists among the petitioners, the counsel for both the parties request to the Court that without entering into any adjudication, they are agreed on the following terms and conditions which are as follows :-

1. The petitioners of both the cases agreed to pay for half-half family pension, to petitioners of both cases.

2. There are in total 12 children of the deceased employee and each may be paid 1/12th of the total payable retiral amount, other than family pension.

3. All 12 children and 2 petitioners shall provide their separate bank account numbers with their I.F.S.C. code to the authorities, who shall transfer the family pension amount divided into half-half in the account of the petitioners and rest share and payable amount shall be divided in 1/12th each, shall be forwarded in their respective account of children to the deceased employee.

It is made clear that a statutory interest payable shall also be added in the same. This order has been passed on the basis of offers made by the petitioners independent of their pleading, therefore, these cases are hereby decided on the basis of their consent and without any adjudication.

The respondent authorities are directed, not to demand any succession certificate in the light of the above said offer in the Court. And the payment shall be assured to them within 4 weeks from the date of communication of the order along with the details of the petitioners and their children with their respective account numbers, with IFSC number.

It has been submitted by the counsels that respondent no.

5 is the competent person therefore in case of non-payment within 30 days, the Treasury Officer shall be under contempt.

With this direction, this Writ petition is hereby disposed off.

(Dr. Anshuman, J.)

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