

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6239 of 2022

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Pooja Singh Wife of Sri Raj Kumar Resident of Quarter No.-335/400,
Rajbanshi Nagar, Near Sudha Booth, P.S.-Rajbanshi Nagar, District-Patna
Presently residing at Flat NO.-303, Astha Green City, P.S.-Phulwarishariff,
District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resource Department, Government of Bihar, Patna.
2. The Principal Secretary, Water Resource Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Project and Monitoring, Circle-3 Water Resource Department, Sichai Bhawan, Patna.
4. The Superintendent of Engineer, Project and Monitoring Circle-3, Water Resource Department, Sichai Bhawan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Prakritita Sharma, Advocate
For the Respondent/s : Mr. Sanjay Prasad, AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 15-09-2023

Heard Ms. Prakritita Sharma, learned counsel

appearing on behalf of the petitioner and Mr. Sanjay Prasad,

learned AC to AAG-4 for the State.

2. Learned counsel appearing on behalf of the

petitioner submitted that the mother of the petitioner had died in

harness while she was posted as Senior Divisional Clerk in

Planning and Monitoring Circle-3, Water Resource Department,

Patna. Learned counsel further submitted that death of her

mother had taken place in the year 2021 and the retiral benefits

under different heads due to the deceased employee has not



been paid to the petitioner, who claims to be the only daughter of the deceased employee.

3. Learned counsel appearing on behalf of the State submitted that objection has been raised as would appear from paragraph no. 10 corresponding 'Annexure-C' to the counter affidavit that the father of the petitioner is still alive and petitioner is not entitled for the pensionary benefits as claimed for in the present writ petition. However, such statement was made in want of the petitioner having furnished the death certificate of her father before the concerned competent officer.

4. Learned counsel in support of her claim has submitted that it would appear from the letter dated 09.05.2022 (Annexure-G to the counter affidavit) wherein the address of her father has been mentioned and the respondents are also aware that her father namely, Arvind Singh has sworn an affidavit in her favour that the petitioner, who is his daughter, namely, Smt. Pooja Singh (petitioner) is entitled to receive retiral dues under different heads except pension and in this regard, petitioner has made specific statement in paragraph no. 6 to the reply to the counter affidavit, which is reproduced hereinafter:

"6. That however, after being informed by the department and during the pendency of the present writ application, Sri Arvind Singh submitted "No Objection" certificate



by way of filing an application duly sworn by him wherein he had stated that he had no objection to the effect that if all the retiral dues such as General Provident Fund, Group Insurance, Gratuity, Leave Encashment except the pension are being paid to his daughter namely Pooja Singh and accordingly, requested the authority to release all the dues in her favour. He further requested the Department to take appropriate action in providing pension to him in which the petitioner has already consented and for the same, the petitioner has also filed an affidavit to this effect under the settlement arrived between the parties.”

5. Considering the rival submission made on behalf of the parties as well as the records of the case and pleadings made therein, this Court finds that in exercising power under Article 226 shall not endeavour to look into the disputed question of facts, which have arisen from the pleadings of the respective parties, however, considering the fact that the father of the petitioner has sworn an affidavit as would appear from the statement made in paragraph no. 6 of the reply to the counter affidavit and ‘Annexure-10’ to the said reply filed on behalf of the petitioner, the petitioner, if so advised, may file a detailed representation with respect to the payment of retiral dues as claimed for in the present writ petition before the Superintendent of Engineer, Project & Monitoring Circle-3, Water Resource Department, Sichai Bhawan, Patna- respondent



no. 4 or before any competent authority for redressal of her grievance.

6. In case, the concerned authority finds that petitioner is entitled for relief(s) as claimed for in the present writ petition as well as the representation on the basis of the records and evidences, which have been produced before this Court may take steps to make payment of retiral dues to which the deceased employee was entitled for to the petitioner within a period of six weeks from the date of filing of the representation in accordance with law.

7. With above observations and directions, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	18.09.2023
Transmission Date	N/A

