

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13300 of 2008

Most. Abda Khatoon, W/o Late Ahmad Hussain Ansari, R/o Mohalla Sangi Masjid, P.O.+P.S. Phulwarisarif, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Engineer-in-Chief, Irrigation Department, Vaishwaraya Bhawan, Baily Road, Patna.
3. The Treasury Officer, Patna Secretaries, Patna.
4. The Accountant General (A & E) Bihar, Patna.
5. The Branch Manager, Allahabad Bank, Phulwarisharif, Branch, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajendra Kishore Prasad, Advocate
For the Respondent/s : Ms. Roona, AC to GP-7

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 11-07-2023

Heard Mr. Rajendra Kishore Prasad, learned counsel appearing on behalf of the petitioner and Ms. Roona, learned AC to GP-7 appearing on behalf of the State.

2. The husband of the petitioner had retired in the year 1991 and he died on 08.04.2003. The deceased was superannuated from the post of Architect Draftsman (Prarupak), Building Construction Department. The petitioner has claimed to be second wife and has been denied the pensionary benefit admissible to the deceased employee. The record reveals that petitioner has not denied the fact that out of wedlock with the first wife the deceased employee had no issue. The petitioner has brought on record distribution portion duly issued by the Accountant General, however, in absence of any pleading made



in the writ petition with respect to the total number of sons and daughter of the deceased employee. The pensionary benefit has not been paid to the petitioner including family pension.

3. Considering the fact that the husband of the petitioner had retired on 01.01.1991 and the writ petition is of 2008 and the admitted position is that the petitioner is the widow and second wife of the deceased employee namely Late Ahmad Hussain Ansari, she cannot be denied the legal admissible dues which was required to be paid to the deceased employee soon after his retirement including the family pension.

4. Government circular provides the fixation of pension and payment of retiral dues within one year of retirement and the same has not been done. The Engineer-in-Chief, Irrigation Department, Patna is directed to ensure that the retiral dues payable to the deceased employee Late Ahmad Hussain Ansari must be paid to the petitioner and the other legal heirs entitled to the same, including the family pension, payable to the petitioner within a period of six weeks from the date of communication of this order.

5. The concerned respondents responsible for making the payment of admissible dues to the petitioner which has been kept pending since long must make payment within a period of



six weeks from the date of communication of this order.

6. With the above observations and directions, the present writ petition stands disposed of. Any delay in making payment by the respondent, the petitioner is at liberty to take appropriate legal action.

(Purnendu Singh, J)

Manish/-
Minu/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.07.2023
Transmission Date	NA

