

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4339 of 2017

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Ajeet Kumar Mandal Son of Late Anand Mandal, Resident of Village- Darhar,
P.O.- Laheria Sarai, P.S. Block- Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. District Magistrate, Darbhanga.
3. The Block Development Officer, Kiratpur, Darbhanga.
4. The Accountant General, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Iqbal Asif Niazi, Advocate
		Mr. Krishna Kant Singh, Advocate
For the Respondent/s	:	Mr. Dhurjati Kumar Prasad, G.P.-14

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

11 20-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner is aggrieved by low payment of death cum retirement benefits to the petitioner who is the brother of the deceased employee, Late Pradeep Kumar Mandal, who had died on 25.05.2012, while working as 'Anusewak' in the office of the Block Development Officer, Kiratpur, Darbhanga.

3. Learned counsel for the petitioner submits that, that the petitioner was made nominee by Late Pradeep Kumar Mandal for receiving the post retiral dues, who had died in harness on 25.05.2012. The brother of the petitioner was



unmarried and the mother of the petitioner / and deceased employee died in the year 1995 and subsequently the father of the petitioner died on 27.03.2013. He submitted that the father of the petitioner during his lifetime had made declaration by swearing affidavit that the petitioner be given all the post retiral dues. Learned counsel further states that, the affidavit contained the signature of all the brothers and sister of the petitioner certifying that they have no objection that petitioner be paid the retiral dues. That after the death of the brother of the petitioner, except the G.P.F amount nothing has been paid to the petitioner.

4. Heard the parties.

5. The learned counsel for the petitioner informs this Court that in compliance to order dated 18.04.2023 of this Hon'ble Court, the respondents have paid almost all the admissible retiral dues/death cum retiral benefits of the the deceased brother of the petitioner who served as 'Anusewak' in the office of the Block Development Officer, Kiratpur, Darbhanga, has been paid.

6. Accordingly any dues on account of payment of salary to the deceased employee in accordance with the mandate of law under Article 300A of the Constitution of India.

7. The plea of the petitioner that the amount which



has not been claimed on account of family pension of the father of the deceased employee, the petitioner is also entitled to the said claim because his father had already waived in favor of his son, is not acceptable. However, the petitioner may produce any representation made by his father during his lifetime for claiming of his family pension.

8. The attendance of Mr. Sanjay Kumar, BDO, Kiratpur, Darbhanga is recorded for taking any future action.

9. With the aforesaid observations and direction, the present writ petition is accordingly disposed of.

(Purnendu Singh, J)

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