

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6430 of 2017

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Malti Devi @ Malti Kunwar wife of Late Kaushlendra Kumar Rai, Resident of Village- Baidahi, Post- Pauthu, Police Station- Jamhore, District- Aurangabad.

... .. Petitioner/s

Versus

1. Union Of India through the Director General, Force Head Quarter, Government of India, New Delhi.
2. Assam Rifles through the Commandant, 4th Trg Battalion, ARTCandC, Dimapur, Nagaland.
3. Assam Rifles through the Deputy Commandant, 4th Trg Battalion, ARTCandC, Dimapur, Nagaland.
4. Superintendent, Directorate General, Assam Rifles, Shillong.
5. The State of Bihar through the Director General of Police, Bihar, Patna.
6. The District Magistrate, Aurangabad.
7. The Superintendent of Police, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Nivedita Nirvikar, Sr. Advocate
For the U.O.I.	:	Mr. Awadhesh Kumar Pandey, Sr. CGC
		Mr. R.K. Sharma, CGC
		Mr. Lokesh, Advocate
For the Respondent/s	:	Mr. Nalin Vikram Tiwari, AC to GA-9

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 26-04-2023

Heard Ms. Nivedita Nirvikar, learned Senior counsel appearing on behalf of the petitioner, Mr. Awadhesh Kumar pandey, learned Sr. CGC appearing on behalf of the Union of India and Mr. Nalin Vikram Tiwari, learned AC to



learned GA-9 for the State.

2. Learned counsel appearing on behalf of the petitioner informs this Court that though the authorities have proceeded to make payment of the entire amount of gratuity but on 16.04.2019, they have informed the petitioner that difference of name has been pointed out, therefore, gratuity amount has not been paid.

3. So far as the claim of the petitioner for pension is concerned, the petitioner seeks to file a detailed representation along with all the evidences in support of his claim that he has served as rifle man in Assam Rifles for ten years, which is minimum requirement for quantifying service which makes an employee entitled to pensionary benefits.

4. Learned counsel appearing on behalf of the respondent submitted that entire amount of gratuity will be paid to the petitioner in due course as would appear from the statement made in paragraph no. 23 of the counter affidavit.

5. Considering the rival submission made by the parties and the specific grievance of the petitioner, whose name is Malti Devi @ Malti Kunwar, the amount of gratuity due to the deceased employee must be paid to the petitioner within a period of three weeks. The representation of the petitioner with



respect to her claim for family pension must also be disposed of within a period of six weeks from the date of filing of representation. If the petitioner is entitled for the family pension, the same be fixed and paid within further three weeks.

6. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	01.05.2023
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