

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11935 of 2019

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Champa Devi wife of Late Yamuna Vari @ Jamuna Prasad resident of Village
- Reganiya Manjhauli, P.S.- Pali, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar, through Chief Secretary, Government of Bihar, Patna.
2. The Inspector General, Crime Investigation Department, Govt. of Bihar, Patna.
3. The Inspector General, Crime Investigation Department, Govt. of Bihar, Patna.
4. The Superintendent of Police, Crime Investigation Department, Govt. of Bihar, Patna.
5. The Accountant General, Bihar, Patna
6. Lalita Devi wife of Dhanesh Prasad, Resident of village- Daudnagar, P.S.- Daudnagar, District - Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate Mr. Vardaan Mangalam, Advocate
For the State	:	Mr. Md.Nadim Seraj, GP-5 Mr. Shailesh Kumar, AC to GP-5
For the Accountant General	:	Mr. Vivekanand Kumar, Advocate
For Respondent No.6	:	Mr. Deepak Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

11 15-05-2023 Heard Mr. Dinu Kumar, learned counsel for the

petitioner, Mr. Nadim Seraj, learned GP-5 and Mr. Deepak

Kumar Sinha who represent respondent no. 6, Lalita Devi.

The present petitioner has preferred the writ petition
for following reliefs:

(A) for commanding the respondents to make
payment of family pension and death cum retirement benefit for
which the petitioner is entitled after death of her husband



Jamuna Prasad @ Yamuna Van, Police Sub Inspector;

(B) further commanding the respondents not to make payment of family pension and/or any retiral dues in favour of Lalita Devi;

(C) for 10% interest over the retiral dues under the head of family pension and death cum retiral benefit which are with the respondents;

(D) for necessary relief/reliefs, order/orders, direction/directions for which the petitioner is entitled.

Mr. Dinu Kumar contends that the petitioner's husband Jamuna Prasad retired on 30.01.2014 as Sub-Inspector C.I.D. Patna and died on 15.01.2018 leaving behind sole wife and five daughters.

It is his further submission that despite lapse of five years, she is not getting anything and in between an impostor Lalita Devi came forward and started receiving pension. It is his submission that the concerned respondent was apprised of the fact but since last five years, no decision has been taken.

Learned GP-5 has filed counter-affidavit on behalf of respondent nos. 2 to 4 and has taken this Court to Annexure B Series, the letter issued by the Superintendent of Police Crime Investigation Department, Bihar Patna to respondent Lalita Devi



to appear and clear her stand so that a decision could be taken.

The said letter dates back to 2019.

Learned counsel who represents the respondent no.6, Lalita Devi submits that the lady has no problem in appearing before the concerned authority.

The retired employee died in the year 2018 and from 2019, only correspondence had taken place and the respondent has failed to take a decision depriving the actual beneficiary from getting the retiral benefits. Although, the learned State Counsel has pointed out that inquiry has been undertaken which has come in support of the petitioner herein, he admits that no decision has been taken.

It is unfortunate that despite the respondents coming to a definite conclusion, no decision could be taken specially when the respondent Lalita Devi was not appearing.

However, now that she has appeared before this Court, it is futile keeping the case pending.

Let the concerned petitioner as also respondent no.6, Lalita Devi appear before the Deputy Inspector General of Police, C.I.D., Bihar Patna on 23.05.2023 at 12.30 pm along with all the relevant documents.

It is made clear that the alibi of adjournment by either



of the party will not prevent the D.I.G., C.I.D. Patna to take a final decision in the matter, so that the financial benefits starts flowing to the genuine person.

With the aforesaid observations, the writ petition stands disposed of.

(Rajiv Roy, J)

Prakash Narayan
/Sunil

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