

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14872 of 2021

Chinta Devi W/o - Late Ramsat Singh, R/o Village - Gopalbari, P.S. Mashraikh, District - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, Public Health Engineering Department, Government of Bihar, Patna.
3. The Superintending Engineer, Public Health Engineering Department, Saran at Chapra.
4. The Executive Engineer, Public Health Engineering Department, Saran at Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma, Advocate.
For the Respondent/s : Mr.Arvind Ujjwal, SC-4.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 21-09-2023

Heard Mr. Saroj Kumar Sharma, learned counsel appearing on behalf of the petitioner and Mr. Arvind Ujjwal, learned SC-4 for the State.

2. Learned counsel appearing on behalf of the petitioner submits that the relief as prayed for in the present writ petition is covered by the judgment dated 16.01.2020 passed by this Court in L.P.A. No. 166 of 2018 (**Mobina Khatoon v. The State of Bihar & Ors.**), even though the authorities have not taken steps to redress the grievance of the petitioner in light of the observation and direction passed in aforesaid judgment. Petitioner has been deprived of the retiral benefits and family pension for nearly seven years.



3. Considering the aforesaid submission made on behalf of the petitioner and considering the fact that the petitioner is being harassed by the authorities who are not making payment of retiral dues as well as fixing the family pension of the petitioner in accordance with law. The respondent no.2 – The Engineer-in-Chief, Public Health Engineering Department, Bihar is directed to call for the service particulars of the husband of the petitioner from the office where he had died in harness on 09.08.2016 and ensure to redress the grievance of the petitioner as prayed for in the present writ petition within a period of four weeks and not to harass an old lady who is entitled to receive pensionary benefits including family pension. It has been held by the Apex Court that pension is a property. The petitioner is also entitled for interest on account of delay.

4. In case of failure of payment of pensionary due, the petitioner is at liberty to take appropriate legal action against the concerned respondents, if grievance of the petitioner is not redressed.

5. The writ petition, accordingly, stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	26.09.2023
Transmission Date	N.A.

