

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12476 of 2019

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Durga Devi W/o Late Bindeshwar Mandal, Resident of Village Madana, Tola-Dhokara, P.S. Andhara Thari, Dist.-Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Home Department, Govt. of Bihar, Patna
2. The Director General of Police, Govt. of Bihar, Patna
3. The Accountant General Office Bihar, Patna, Govt. of India, Mahalekhakar Bhawan, Opposite Hotel Kautilya Bihar, Birchand Patel Path.
4. The District Magistrate, Dist.-Madhubani
5. The Superintendent of Police, Dist.-Madhubani
6. The Officer In-Charge of Andhra Tharhi Police Station, District -Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Giri, Advocate
For the Respondent/s	:	Md. Harun Quareshi, AC to SC 01
For the AG	:	Mr. Ram Kinker Choubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 13-04-2023

The present writ petition has been filed by the widow of the deceased employee, who worked as Chowkidar in the Jaimaila Panchayat of District Madhubani.

2. The plight of the petitioner is that she is having five daughters but the concerned authorities are not considering to make payment of the death-cum-retiral benefit to the petitioner. She further claims that she has also preferred a writ petition bearing CWJC No.1263 of 2019 to consider the case of her grand son to be appointed on compassionate ground on the post of Chowkidar in place of her deceased husband. The said writ petition is pending before this Court.



2. The petitioner further submits that her husband was a class IV employee and the family was dependent on the income of the deceased employee and now they have been put to face hardship and she is not even able to meet day-to-day requirement to lead her life, which is against the mandate of Article 21 of the Constitution of India.

3. Learned counsel appearing on behalf of the respondents submits that the deceased employee was dismissed from service. The said fact shows that the husband of the petitioner was an employee of the State Government and now the State Government can not deny the pensionary benefit payable to the petitioner, who is the legally wedded wife of the deceased employee.

4. The counter affidavits filed on behalf of the respondents are devoid of fact that as to when the husband of the deceased was appointed as Chowkidar. It also do not give information about the date of dismissal of the deceased employee from the service.

5. This Court finds that the respondents have not denied the fact that the husband of the petitioner (deceased employee) was not employee of the State Government.



6. Considering the aforesaid facts and circumstances of the case, the present writ petition is disposed of with a direction to the respondent no.5 (Superintendent of Police, District Madhubani) to consider the plight of the poor petitioner and ensure payment of all the retiral-cum-death benefit to which the petitioner is entitled within a period of three weeks from the date of receipt/production of a copy of this order. In case he finds that certain documents are required from the petitioner, taking into consideration the pathetic condition of a poor lady, he must entrust the responsible officer to visit the house of the petitioner to collect all the relevant documents, which are required for fixing and calculating the amount to be paid under different heads to the petitioner. If the length of service of the deceased employee is pensionable and the petitioner (wife of the deceased employee) is liable to receive family pension, he must also ensure by passing appropriate order to make payment of family pension to the petitioner.

7. With the aforesaid direction/observation, the present writ petition is disposed of.

(Purnendu Singh, J)

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AFR/NAFR	NAFR
CAV DATE	13.04.2023
Uploading Date	15.04.2023
Transmission Date	15.04.2023

