

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16931 of 2021

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Mohani Pathak, Wife of Late Garib Nath Pathak, Resident of Village - Aura,
P.S. - Tariyani, District - Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Education Department, Bihar, Patna.
2. The District Superintendent of Education, Bettiah, West Champaran.
3. The District Programme Officer, Bettiah, West Champaran.
4. The District Superintendent of Education, East Champaran, Motihari.
5. The Collector, West Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Adv.
For the State : Mr. Ram Vinay Pd. Singh, (Ac to Ga12)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 07-02-2023 Learned counsel for the petitioner and counsel for the State present.

The present writ petition has been filed for issuance of direction commanding the respondents to pay the due towards gratuity amount, provident fund and also to pay the family pension at the rate of sixth pay revised pension to the petitioner.

Counsel for the petitioner submits that the petitioner is a widow and in lieu of her husband's services, she is getting only family pension Rs.3,533/- w.e.f. 11.09.2015.

Counter affidavit has been received in this case and the D.P.O. Establishment, West Champaran has categorically

stated in the counter affidavit that husband of the petitioner was appointed as Clerk on 19.06.1974 and he was about to retire on 31.03.2009 but prior to his retirement, he become traceless on 10.09.2008 and in this regard, a case has been lodged in Bettiah Nagar P.S. bearing Sanha No. 520 of 2008.

Counsel for the petitioner further submits that the son of the petitioner has moved in C.W.J.C. No. 6204 of 2018 ***(Himanshu Pathak vs. The State of Bihar and Ors.)*** which was disposed off with a direction to the petitioner's son to file a representation within a period of 2 weeks but unfortunately, he could not get the service and died.

Counsel for the petitioner further submits that in the counter affidavit, the denial of revised pension or payment of his provident fund have not been made by the respondent authorities. With regard to revised pension, it is stated that the matter is pending before the Accountant General, Bihar, Patna and about payment of his provident fund, the details has to be collected from the various offices where the petitioner's husband had worked. In this regard, a statement has been made in paragraph 10 of the counter affidavit.

In this view of the matter, petitioner is directed to represent afresh before the respondent no. 1 (Secretary

Education Department, Bihar, Patna) who shall look into the matter and assure the payment of the petitioner with regard to which the statements made in the counter affidavit filed in present writ petition within a period of 6 weeks from the date of production of the order. He shall also assure the payments of all her admissible dues within 6 weeks, thereafter.

With the aforesaid direction, the writ application stands disposed off.

(Dr. Anshuman, J.)

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