

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12200 of 2022

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Smt. Veena Rani, W/o Late Jagdish Kumar, Resident of Mohalla-D-501, Apex
Acacia, Valley Sector-3, Vaishali, Gajiabad, Uttar Pradesh 201010

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Personal and Administrative Reforms, Patna.
2. The Registrar General, Patna High Court, Patna.
3. The Under Secretary to the Govt., Finance Department (Personal Claim Section), Government of Bihar.
4. The Accountant General, Bihar, Patna.
5. The Registrar, Civil Court, Patna.
6. The District Treasury Officer, Patna.
7. The Principal Accountant General (A & E), Bihar, Patna.
8. The Joint Commissioner-cum-Director G.P.F. (Finance Department), Pant Bhawan, 5th Floor, Bailey Road, Patna-4.
9. The Assistant Commissioner-cum-Director G.P.F. (Finance Department), Pant Bhawan, 5th Floor, Bailey Road, Patna-4.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shekhar Kumar Singh, Advocate Ms. Pooja Kumari, Advocate
For the State	:	Mr.P.K. Verma (AAG-3) Mr. Sanjay Kumar Ghosarvey, A.C. to AAG-3
For the High Court	:	Mr. Piyush Lall, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-08-2023

1. The petitioner in the above writ petition asserts that she is the wife of a retired Judicial Officer and claims the retirement benefits due to him. The Judicial Officer retired on 17.01.1991 and unfortunately the High Court and the State Government does not have any records with them. The claim



itself is grossly delayed and made long after the death of the Judicial Officer; which death occurred on 03.06.2011. The claims are highly belated and in such circumstance the absence of records with the authorities cannot be faulted.

2. The Judicial Officer by name Jagdish Kumar is said to have been appointed on 20.12.1960 and also is said to have retired on 17.01.1991 while he was continuing as an Additional Munsif-I at Patna Civil Court, Patna. The petitioner claims that she was assured of payment of the death-cum-retiral benefits but, the promise was not fulfilled. The petitioner also claims that a number of representations were made.

3. It is pertinent to notice that there is no claim of a representation having been made by the Judicial Officer who retired in 1991 and died in the year 2011. The first of the representations said to have been made by the petitioner herein, is on 15.12.2017 before the Registrar of the Patna Civil Court, Patna. Communications are produced along with the writ petition, wherein the petitioner was directed to furnish the General Provident Fund Number of the Judicial Officer and the account details as also the details of the advances taken by the Officer, the No Dues Certificate and evidence to prove the marriage with the Judicial Officer. However, none of these



documents were produced by the petitioner and she continued making representations to the authorities, leaving the authorities helpless in so far as there being no documents available, especially due to the long lapse of time after which the application was made.

4. The High Court has filed a counter affidavit specifically expressing inability in tracing out the documents and again requesting the petitioner to supply the necessary documents. The learned Standing Counsel appearing for the High Court also points out that there is serious suspicion cast on the claim made by the petitioner since even according to the papers submitted by the petitioner and the declared age, she would have been married at the age of 13 and had her first child at the age of 14; highly improbable, especially when the alleged husband was continuing as a Judicial Officer. The absence of any document proving the marriage itself has to be viewed in the said perspective is the contention.

5. The DDO, Civil Court, Patna has also filed a counter affidavit. It is specifically pointed out that the papers submitted by the petitioner herein dated 01.03.2018 were without necessary documents such as the No Dues Certificates, attested Pay Slips and so on and so forth. The petitioner was



required to furnish the GPF Forms which also has not been done by the petitioner. As per the details available with the Civil Court, Patna as per the Acquaintance Roll the Judicial Officer had drawn salary for the months of November and December, 1990 and January, 1991. There is absolutely no details available with the authorities as to the length of service, break if any, that occurred in the length of service, the dues of the Judicial Officer and so on and so forth.

6. We cannot but deny the discretionary remedy sought for in the above writ petition, especially looking at the balancing considerations. The petitioner's claim arises from the fact that she is the wife of a Judicial Officer but, there is nothing produced to prove the marriage with the Judicial Officer. In fact, the date of birth of the petitioner is declared to be 20.05.1955 as per the Pension Papers submitted by the petitioner herself, enclosed along with Annexure-H. The petitioner has also declared that her first daughter was born on 24.09.1969. Hence, when she was 14 years old she delivered the baby and the marriage in that context, would have occurred a year back. This makes it incumbent upon the petitioner to prove the marriage with the aid of a valid Marriage Certificate or otherwise with due evidence which cannot be done in a petition under Article 226 of the Constitution of India.

7. We have to emphasize, once again, that the claim



itself is grossly delayed. The Judicial Officer retired in the year 1991 and was alive for another 20 years, his death having occurred in the year 2011. There was no attempt to seek for pension and in that circumstance there is also nothing to show that the Judicial Officer retired from the service. It is also to be noticed that despite 30 years of service the Judicial Officer is said to have retired from the post of Additional Munsif itself. The petitioner has an allegation that after retirement her husband, the Judicial Officer, was sick and hence could not apply for the pension. There is also nothing produced to establish this fact.

8. We find absolutely no reason to entertain the writ petition, especially when the various facts pleaded and asserted in the memorandum of writ petition are not proved at all.

9. The writ petition would stand dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	30.08.2023
Transmission Date	

