

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18655 of 2021

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Kamala Devi W/o Bal Krishna Mishra, Resident of Fulauri Gali Chowk,
Patna City, P.S.- Khajekala, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar thorough the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Chief Director, Bihar Sachiwalay Press, Gulgarbagh, Patna-7.
3. The Superintendent Bihar Sachiwalay Press, Gulgarbagh, Patna-7.
4. The District Magistrate, Patna.
5. The Treasury Officer, Patna, Collectorate, Patna.
6. The Accountant General, Bihar, Patna.
7. The Senior Superintendent of Police, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Mishra, Adv.
	:	Mr. Anuj Kumar, AC to GP-24
For the Accountant General	:	Mr. Arun Kumar Arun, Adv.
For the Respondent/s	:	Mr. Sarvesh Kumar, (GP-24)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

7 04-01-2023 Learned counsel for the petitioner submits that due to inadvertence, the name of the petitioner has been inadvertently typed in the Writ petition as Kamala Devi instead of Kamla Devi. He is directed to correct the same in the petition and registry is directed to correct the name of the petitioner in every soft-copy available on the website, taking permission from Registrar List and Computer/authority responsible.

Heard learned counsel for the petitioner, learned counsel for the Respondents and learned counsel for the A.G., Bihar.

The present petition has been filed for claim of following reliefs:-

(i) For direction upon the respondents authorities to grant and pay family pension and its arrear admissible to the petitioner on the basis of the pay revision as her husband is missing with effect from 05th September, 2012 as a result due to non payment of pension/family pension entire family members of the petitioner have come on the verge of starvation.

(ii) For direction upon the respondents authorities to pay life time arrear/ arrears to the petitioner of her husband if any as husband of the petitioner is missing i.e. from 05.09.2012.

(iii) For direction upon the respondents authorities to make payment all such dues amount with interest @ 18 % per annum and cost of litigation as the petitioner is being harassed by the respondents for no fault of her own.

(iv) For direction upon the respondents authorities to grant any such other relief or reliefs for which the petitioner is found legally entitled in the facts and circumstances of the case.

Learned counsel for the petitioner submits that

husband of the petitioner was Head Writer in Sachiwalaya Press Gulzarbagh, Patna, who was superannuated from service on 01.12.1995. P.P.O. was also issued in his favour for getting pension. The contention of the petitioner is that since 05.09.2012, husband of the petitioner got missing, in this regard an information petition was filed bearing petition no. 217 of 2013 before the Court of A.C.J.M., Patna City.

Information of missing was also published in daily newspapers. Learned counsel further submits that if a person was unheard for 7 years then it amounts to civil death. Petitioner has filed application before the Chief Director, Sachiwalay Press, Gulzarbagh, Patna on 03.07.2021 requesting for payment of pension/family pension as well as the same has been sent before the Accountant General, Bihar and Treasury Officer, Patna and then filed the present writ application. During the pendency of the writ application, S.P. has been added as party. F.I.R. has been lodged and charge sheet has been submitted that the information with regard to missing is correct and as such civil death is ascertained.

Learned counsel for the State submits that it is nowhere in dispute that petitioner is not entitled for the family benefit and retiral benefits but that she has to represent in proper proforma before the authority concerned. He submits that petitioner may be

directed to represent herself before the respondent no.2 with relevant documents, then everything shall be started at the earliest and payment shall be started.

Learned counsel for the Accountant General, Bihar submits that PPO has already been issued in the name of petitioner which is annexed as Annexure No.1 itself and there is no legal hurdle left in getting payment in her favour.

In this view of the matter, let the petitioner is directed to file a fresh representation before respondent no.2, who shall decide the claim in favour of petitioner within a period of 30 days, since the day of filing of the said representation and payment shall be started within further 30 days.

In case payment shall not be started within 60 days from the date of representation then 9% interest per annum shall be charged on all the retiral dues.

It goes without saying that petitioner shall obtain the response by way of providing the requested documents.

With this direction, the writ application stands disposed off.

(Dr. Anshuman, J.)

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