

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15212 of 2022

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Musmat Fuleshwari Devi Widow of Late Maheshwar Raut @ Maheshwar Mehtar Resident of I-type Colony, ward no.- 12, Near Kargil Chowk, Durga Mandir, Basantpur, Birpur, District- Supaul.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Bihar, Old Secretariat, Patna.
2. The District Magistrate-cum-Chairperson, District Establishment Committee, Supaul.
3. The Deputy Collector, Establishment, District- Supaul.
4. The Sub Division Officer, Basantpur, District- Supaul.
5. The Block Development Officer, Basantpur, District- Supaul.
6. The District Provident Fund Officer, Supaul.
7. The Treasury Officer, Supaul.
8. The Principal Accountant General (A and E), Bihar, Birchand Patel Path, Patna.
9. Ashok Kumar Raut S/o Late Maheshwar Raut, R/o Ram Tola, Ward No. 9, Basantpur Hanuman Nagar, P.S. - Birpur, Dist. - Supaul.
10. Anil Raut, S/o Late Maheshwar Raut, R/o Ram Tola, Ward No. 9, Basantpur Hanuman Nagar, P.S. - Birpur, Dist. - Supaul.
11. Govind Raut, S/o Late Maheshwar Raut, R/o Ram Tola, Ward No. 9, Basantpur Hanuman Nagar, P.S. - Birpur, Dist. - Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar, Advocate
For the A.G.	:	Mr. Bindhyachal Rai, Advocate
For Respondent no. 9-11 :		Mr. Mayanand Mishra, Advocate
For the State	:	Mr. Md. Nadim Seraj, G.P.5

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 26-06-2023

Heard Mr. Ajay Kumar, learned counsel appearing



on behalf of the petitioner; Mr. Bindhyachal Rai, learned counsel appearing on behalf of the Accountant General; Mr. Mayanand Mishra, learned counsel appearing on behalf of respondent nos. 9 to 11 and Mr. Md. Nadim Seraj, learned G.P.5 for the State.

2. Learned counsel appearing on behalf of petitioner submitted that till date the pensionary benefit payable to the deceased employee, who is the husband of the petitioner, has not been paid. The husband of the petitioner had died in harness on 21.04.2021, while he was working as Sweeper/Helper in the Block Development Office, Basantpur. The deceased employee had completed about 33 years of service, which had made him entitled for receiving pension and other retiral dues. The petitioner, who is wife of the deceased employee, has prayed for payment of the pensionary benefit, which is/was admissible to the deceased employee and also for grant of family pension.

3. Mr. Mayanand Mishra, learned counsel appearing on behalf of respondents no. 9 to 11 submits that they are the biological son of deceased employee, namely, Maheshwar Raut @ Maheshwar Mehtar and they have equal right in the pensionary benefit. It is submitted that District



Magistrate, Supaul had passed an order for disbursing equal amount amongst the biological sons/daughters of the deceased employee in terms of the Government Circular vide memo no. 809, dated 27.09.2022.

4. At this stage, learned counsel appearing on behalf of the petitioner submits that during the pendency of this writ petition, the petitioner has started receiving family pension.

5. Considering the grievance of the petitioner as well as private respondent Nos. 9 to 11, the Block Development Officer, Basantpur, Supaul (Respondent No.5) is directed to grant pensionary benefits to the petitioner as well as private respondent Nos. 9 to 11, according to their entitlement, in accordance with the order passed by the District Magistrate, Supaul. In case the petitioner or private respondent nos. 9 to 11 finds it proper to represent before the District Magistrate, Supaul / Block Development Officer, Basantpur, Supaul for any other reliefs relating to the pensionary benefit, which was required to be paid to the deceased employee, the same must be considered in accordance with law after giving proper opportunity to the concerned legal heirs of the deceased employee within a period of six weeks.

6. With the above observations and directions, the



writ petitions stands disposed of.

(Purnendu Singh, J)

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AFR/NAFR	N.A.F.R
CAV DATE	N.A
Uploading Date	28.06.2023
Transmission Date	

