

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.239 of 2023

=====

Urmila Devi Wife of Late Baidyanath Prasad Singh, Resident of Village-
Warishpur Patti, P.S.- Bhagwanpur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Patna, Bihar.
2. The Director General of Police, Patna, Bihar.
3. The Deputy Inspector General of Police, Patna Region, Patna.
4. The Senior Superintendent of Police, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Prince Kumar Mishra, Advocate
For the Respondent/s : Mr.Sheo Shankar Prasad (SC 8)

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 12-04-2023

Heard Mr. Prince Kumar Mishra, learned counsel
appearing on behalf of the petitioner and Mr. Sheo Shankar Prasad,
learned S.C. 8 appearing for the State.

2. Petitioner is aggrieved for non-payment of retiral dues
payable to her husband, who died on 19.11.2021.

3. The deceased employee had retired from the post of
Sub Inspector of Bihar Police on 30.10.2010.

4. The petitioner has claimed for payment of salary for
the period from 01.01.2008 to 31.10.2010, during which period,
the deceased employee was undergoing treatment.

5. The deceased employee for the first time had made
application on 20.09.2016 before the Senior S.P., Patna to release



his salary of 29 months, during which period, he was being treated and thereafter, in spite of several representations made by the petitioner till date, grievance of the petitioner has not been redressed.

6. From perusal of the writ petition, it appears that no proceeding had been initiated against the deceased employee for his long absence and it also can not be ascertained as to whether any leave application was made by the deceased employee before the competent authority for sanction of the medical leave. The only date which can be gathered is that before date of his retirement, the deceased employee had joined on 31.10.2010.

7. This Court will not go into the disputed question of fact, however, the law in this regard is well settled that in absence of any proceeding or any direction of the higher authority to withhold the salary without assigning any reason, the salary of a government employee can not be stopped, as observed by the Hon'ble Apex Court as well as the High Court.

8. Considering the nature of reliefs as sought for in the present writ petition, the petitioner, who is the widow of deceased employee, if so advised to file a detailed representation before the Sr.S.P., Patna (respondent no.4), he will ensure payment of 29



months salary due to the husband of the petitioner (deceased employee), after verifying the records as to whether the service of the deceased employee was regularized for the period from 01.01.2008 to 31.10.2010 as well as look into the serious plight of the poor widow, whose husband has served long period of service on the post of Sub Inspector of Bihar Police. The Respondent no.4 must also ensure to make payment of entire retiral dues of the deceased employee within a period of three weeks from the date of filing of the representation of the petitioner in accordance with law and if he finds any admissible dues pending to which the petitioner is entitled, the same should be paid within the aforesaid period.

9. With the above observation/direction, the present writ petition is disposed of.

(Purnendu Singh, J)

chn/-

AFR/NAFR	NAFR
CAV DATE	12.04.2023
Uploading Date	15.04.2023
Transmission Date	15.04.2023

