

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2478 of 2022

Ishan Son of Late Piyush Kanti Karmakar @ Probudhchantraw Kramakar, permanent resident of Mohalla-Belbanwa, Ward No. 22, P.O. and P.S. Motihari, District-East Champaran, presently residing at Wakad, B-3, 503, Sucasa Apartment, Theragaon Road, Pune City, Pune, Maharashtra-411057.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Secretary, Department of Education, Government of Bihar, Patna.
4. The Director, Secondary Education, Department of Education, Government of Bihar, Patna.
5. The Accountant General, Patna, Bihar.
6. The District Magistrate, Colelctorate, Motihari, District-East Champaran.
7. The Block Development Officer, Motihari, District-East Champaran.
8. The District Education Officer, Motihari, East Champaran.
9. The District Program Officer (Establishment), Motihari, East Champaran.
10. Treasury Officer, Motihari, District-East Champaran.
11. The Pricipal, MJK Government Girls Inter College, Motihari, District-East Champaran.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Abu Nasar, Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar, GP-17
		Mr. Amit Bhushan, AC to GP-17

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

5 29-03-2024 Heard Mr. Abu Nasar, learned counsel for the petitioner and Mr. Amit Bhushan for the State.

2. The petitioner has filed this writ petition for payment of pension, earned leave and gratuity of his late mother, namely, Devayani, who retired on 31.01.2017, while working as Headmistress at MJK Government Girls Inter College, Motihari, East Champaran.



3. The mother of the petitioner is stated to have died on 25.01.2019.

4. Counter affidavits by the respondent Nos 2-4 and respondent Nos. 8 and 9 have been filed. Respondent Nos. 2-4 in the counter affidavit filed, states that the retiral benefits of the mother of the petitioner could not be paid because the heirs of the deceased, including the petitioner did not appear before the concerned authority when they were directed to appear on 23.09.2022 as well as 04.11.2022 along with relevant documents. Respondent Nos. 2-4 in the counter affidavit has further pointed out that there is a discrepancy in the father's name of the petitioner in one of the identification paper and in the PAN card of the petitioner.

5. Respondent Nos. 8 and 9 in the counter affidavit filed have stated that the retiral benefits of the petitioner's mother could not be paid due to non-submission of the relevant documents.

6. On perusal of the counter affidavits filed by the respondent Nos. 2-4 as well as respondent Nos. 8 and 9, it appears that the reason for denying the retirement benefits of the petitioner's mother was on account of non-submission of the relevant documents. However, the respondents in the counter



affidavit filed have not specifically specified as to which of the document(s) the petitioner did not submit for which the retirement benefits of the petitioner's mother have been denied.

7. Learned counsel for the petitioner, on the other hand, by referring to Annexure-B of the counter affidavit filed by the respondent Nos. 8 and 9, has submitted that vide letter No. 108 dated 16.07.2022, written by the Principal, MJK Government Girls Inter College, Motihari, East Champaran to the District Education Officer, East Champaran, Motihari, it has been indicated that as many as nine documents have been submitted for payment of the pension and other retiral benefits of the petitioner's mother which are as hereunder:-

- "1: Copy of the service book of the petitioner's mother
- 2: Pension Form
- 3: List of family members
- 4: Death Certificate of the mother of the petitioner
- 5: Affidavit
- 6: NOC from the Building Construction Department
- 7: Charge Report of the petitioner's mother
- 8: Other necessary documents
- 9: Payslip of the petitioner's mother"



8. Since, in the counter affidavits filed by the respondent authorities, there is no mention of any specific documents not submitted by the petitioner and also having taken note of the letter dated 16.07.2022, written by the Principal, MJK Government Girls Inter College, Motihari, East Champaran to the District Education Officer, East Champaran, Motihari, annexed as Annexure-B to the counter affidavit filed by the respondent Nos. 8 and 9, wherein as many as 9 documents are stated to have been submitted by the petitioner for payment of the retiral benefits of the petitioner's mother, I am of the view that denial of the retiral benefits of the petitioner's mother by the respondent authorities is unjustified.

9. Accordingly, this writ petition is disposed of with a direction to the respondent authorities to pay to the petitioner the pension of the petitioner's mother, till she was alive, earned leave of the petitioner's mother and gratuity of the petitioner's mother, within a period of two months from the date of receipt of the certified copy of the order.

10. This writ petition is disposed of with the above direction.

(Nani Tagia, J)

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