

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6118 of 2021

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Ram Kishore Singh S/o Late Arbind Kumar Singh, R/o Village Arara, P.O. Dharhara, P.S. Hajipur, Dist. - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Patna.
2. The Commissioner, Public Health and Engineering Department, Bihar, Patna.
3. The Superintending Engineer, Public Health and Engineering Department, Muzaffarpur.
4. The Executive Engineer, Public Health Division, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr. Vijay Kumar Sinha, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA

ORAL JUDGMENT

Date : 02-05-2024

Heard Mr. Shashank Bhushan Kumar, learned counsel for the petitioner and Mr. Vijay Kumar Sinha, learned counsel for the respondents.

2. This writ petition has been filed by the petitioner seeking a direction to the respondent-authorities to pay the death cum retiral benefits of his late father Arvind Kumar Singh, who died in harness on 23.10.1995 while working as a Khalasi in Public Health and Engineering Department under Muzaffarpur Division. The petitioner further states that his mother also died on 24.03.1996.

3. A counter affidavit on behalf of respondent Nos. 2



to 4 has been filed, wherein, in paragraph No. 6 thereof, it has been stated that the wife of the deceased employee, who is the mother of the petitioner has received all the admissible retiral benefits of the deceased employee and the petitioner has filed this writ petition without disclosing the said facts. Though, the counter affidavit on behalf of respondent Nos. 2 to 4 was filed on 08.10.2021, but till date no rejoinder to the counter affidavit has been filed by the petitioner denying the correctness of the statement made in paragraph 6 of the counter affidavit filed by the respondent Nos. 2 to 4.

4. Learned counsel for the petitioner, however, has advanced an oral argument that no retiral benefits of the petitioner's late father has been paid.

5. In the absence of the rejoinder filed by the petitioner to the counter affidavit of the respondent Nos. 2 to 4 filed on 08.10.2021, denying the correctness of the statement made in paragraph No. 6 of the counter affidavit filed by the respondent No. 2 to 4, it appears that admissible retiral benefits of the petitioner's late father has been received by the wife of the petitioner's father who is also stated to have died on 24.03.1996.

6. Under the circumstances, no direction, sought for



by the petitioner, can be given to the respondent authorities. It is, however, made clear that if the admissible retiral benefits of the petitioner’s late father, if any, still remains unpaid, as contended by the learned counsel for the petitioner in his oral arguments advanced, the respondent authorities shall ensure that admissible retiral benefits of the petitioner’s late father are paid to the petitioner forthwith.

7. The writ petition is disposed of with the above directions.

(Nani Tagia, J)

Siddharth
Sagar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.05.2024
Transmission Date	NA

