

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5089 of 2022

Shanti Devi wife of Late Rajendra Ram, resident of Village- Sarba, P.O. Maldah, P.S.- Barbigha, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Animal Husbandry, Govt. of Bihar, Patna.
2. The Director, Animal Husbandry, Bihar, Patna.
3. The Accountant General (Accounts and Entitlement), Bihar, Birchand Patel Path, P.O.- G.P.O. Patna- 800001.
4. The Regional Director, Animal Husbandry, Bhagalpur.
5. The District Magistrate, Sheikhpura.
6. The District Animal Husbandry Officer, Sheikhpura.
7. The Sub Divisional Animal Husbandry Officer, Sheikhpura.
8. The District Animal Husbandry Officer, Munger.
9. The Treasury Officer, Sheikhpura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Fazal Rahman with Mr. Md. Ehsan Ur Rahman, Mr. Nooreen Rahman and Mr. Anisur Rahman, Advocates
For the State	:	Mr. Ebadur Rahman, AC to AAG 12
For the AG, Bihar	:	Ms. Ritika Rani, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 27-08-2024

Heard Mr. Md. Fazal Rahman, learned Advocate for the petitioner and Mr. Ebadur Rahman, learned Advocate for the State. Ms. Ritika Rani, learned Advocate for the Accountant General, Bihar is present.

2. The husband of the petitioner was appointed as Peon in the District Animal Husbandry Office, Sheikhpura and



subsequently he attained the age of superannuation on 31.12.2010; later on the petitioner's husband died on 25.06.2018. While the petitioner's husband was in service, he was made an accused in Barbigha P.S. Case No. 57 of 1995, which gave rise to Sessions Trial No. 546 of 1995. The petitioner was put to trial and convicted for the offences under Section 302 read with section 149 of the Indian Penal Code and Section 27 of the Arms Act by judgment dated 28.11.1998 and he was sentenced to undergo rigorous imprisonment for life vide order dated 30.11.1999. The aforesaid order of conviction and sentence was put to challenge in Criminal Appeal (DB) No. 590 of 1998. The aforementioned criminal appeal was allowed and the petitioner's husband was acquitted of all the charges vide judgment dated 30.11.2018. On the basis thereof, the petitioner, who happens to be hapless widow of late Rajendra Ram, moved before this Court by filing the present writ petition seeking a direction upon the concerned respondents to ensure payment of all the retiral benefits and other dues of her late husband.

3. A counter affidavit has been filed on behalf of respondent nos. 1, 2, 4, 6 to 8. Categorical averments have been made that in view of the acquittal of the petitioner's husband the petitioner has been accorded the admissible amount of



Leave Encashment, Group Insurance Scheme, General Provident Fund as well as Gratuity, particulars of which have been duly mentioned in paragraph no. 9. Now the petitioner has been getting family pension. It is also the contention of the learned Advocate for the State that since the petitioner's husband was put under suspension on 11.07.1995, he was paid 50% of the subsistence allowance till 10.07.1996 whereafter subsistence allowance was enhanced to 75% till 31.12.2010. The subsistence allowance was paid in compliance with the order dated 26.07.2000 passed in CWJC No. 6524 of 2000.

4. Learned Advocate for the petitioner contended that on account of acquittal of all the charges, the petitioner is now entitled to get the arrears of salary for the period her husband remained under suspension. It is also contended that in response to the claim made on behalf of the petitioner, allotment has also been sought for from the Director Animal Husbandry, Bihar and the Regional Director Animal Husbandry, Bhagalpur for taking necessary step, copy of which has been brought on record as Annexure-3 to the writ application. The petitioner has still certain grievance with respect to remaining dues for which the petitioner is entitled.

5. Considering the averments made in the writ



petition as well as the counter affidavit, and after hearing the submissions advanced on behalf of the respective Advocate for the parties, the writ petition stands disposed of with a direction to the respondent no. 4 to consider the remaining grievance of the petitioner in the light of Annexure-3 to the writ petition. The petitioner shall also be at liberty to represent before the respondent No. 4 by filing appropriate petition raising her grievance.

6. Needless to observe, if the claim of the petitioner finds favour, necessary consequential monetary benefits shall be accorded to her, preferably within a period of 12 weeks from today.

7. The writ petition stands disposed.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	29.08.2024
Transmission Date	

