

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6342 of 2020

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Mst. Prema Kuer @ Prema Devi Wife of Late Yogendra Raut Resident of
Mohalla- Jagjivan Nagar, Naurangabad, P.s.- Bettiah Town, District- West
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Health Department, Bihar, Patna
2. The District Magistrate, Bettiah, District West Champaran
3. The Civil Surgeon-cum-Chief Medical Officer, Bettiah, District West Champaran
4. The Chairman Nagar Parishad, Bettiah, District West Champaran
5. The Executive Officer, Nagar Parishad, Bettiah, District West Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate
For the Respondent/s	:	Mr. S D Yadav, AAG-9
		Mr. B B Mishra, AC to AAG-9
For the Nagar Parishad	:	Mr. Priyadarshi Matri Sharan, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 15-01-2024

The petitioner, who is the widow of late Yogendra Raut, has filed the present writ petition seeking a direction upon the respondent to ensure the payment of all the post retiral benefits, apart from the appointment of son of the deceased employee, on compassionate ground.

2. A counter affidavit has been filed on behalf of the respondent no. 5 with categorical assertion that so far the arrears of salary, gratuity, unutilized earned leave and provident fund are concerned, the petitioner has already been paid all the admissible dues on the basis of 4th Pay Revision, however,



subsequently, the petitioner has also been accorded the benefits of aforementioned dues under the 5th and 6th Pay Revision to the tune of Rs. 7,35,475/-.

3. It is submitted that so far fixation of pension is concerned, as per Rules 4 (i) and (ii) of Bihar Municipal Pension Rules, 1987, in order to get contributory pension, in place of provident fund, an employee had to exercise his option vide Form Annexure - (i) within 90 days, which has not been done by the deceased husband of the petitioner and he admittedly chosen to continue with the old scheme.

4. Needless to observe that no rejoinder to the counter affidavit has been filed, till date. Further submissions has been made on behalf of the Corporation that so far the appointment of the son of the deceased employee on compassionate ground is concerned, till date, no such application for appointment on compassionate ground has been received, on behalf of any of the legal heirs in his/her individual capacity. He further clarified the position that from perusal of the order dated 15.10.2019, passed in CWJC No. 14088 of 2014, the learned Court had held that the petitioner was allowed to continue in service till January, 2016. However, in the above order, it has further been observed that the death of Late Yogendra Raut, on 11.03.2016,



has been treated as death in harness, which appears to be an error on record, as the husband of the petitioner was declared entitled in service by the Hon'ble Court, only till January, 2016.

5. Be that as it may, till date, no such application has been filed for claim of appointment on compassionate ground on behalf of any of the legal heirs, the present writ petition stands disposed of, with a liberty to the petitioner that if the petitioner has still any grievance with respect to compassionate appointment, she is at liberty to file a fresh application before the Municipal Corporation, who shall consider and dispose of the same by a reasoned and speaking order.

6. This disposes the writ petition.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.01.2024.
Transmission Date	NA

