

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15526 of 2019

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Surendra Prasad Singh S/o Late Narsingh Singh Resident of Village Hati
Kothi, PO Akbarpur beak Dist. Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Govt. of Bihar, Patna
2. Director in Chief (Nursing) Health Services, Bihar, Patna
3. Civil Surgeon cum Chief Medical Officer, Darbhanga
4. Incharge Medical Officer, Primary Health Centre, Biroul, Darbhanga
5. District Treasury Officer, Darbhanga
6. Accountant General, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shiv Kumar, Advocate
For the Respondent/s	:	Mr. Binod Kr. Yadav, SC-18
		Mr. Randhir Kumar, Advocate
For the Accountant General	:	Mr. Arun Kumar Arun, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 16-01-2024

Heard Mr. Shiv Kumar, learned counsel appearing on behalf of the petitioner, Mr. Randhir Kumar, learned counsel for the State and Mr. Arun Kumar Arun, learned counsel for the Accountant General.

2. The petitioner, who happens to be husband of the erstwhile employee (late Kanti Sinha), filed the present writ petition seeking a direction upon the respondent authorities to ensure fixation and payment of the family pension, gratuity, leave encashment, dues salary payable to the petitioner on account of death of his wife.



3. It is submitted on behalf of the petitioner that admittedly, due to intervention of the Hon'ble Court, certain substantive amounts have been paid to the petitioner, however, till date, the claim of the petitioner for family pension has not been considered, despite the fact the petitioner made proper representation before the Civil Surgeon-cum-Chief Medical Officer, Darbhanga way back on 27.11.2017, itself. He further submits that the claim of the petitioner is entirely based upon a judgment rendered by a co-ordinate Bench of this Court in the case of ***Raghunandan Mishra Vs. The State of Bihar and Ors.*** reported in ***[1985 PLJR 446]***, where, in identical situation, the employee had been allowed the benefit of pension and other retiral benefits, despite of his service being terminated by the respondent authorities.

4. At this juncture, learned counsel for the State submits that since the very appointment of the wife of the petitioner was found to be illegal, obtained on the basis of forged and fabricated certificates, leading to the termination of her services, no relief could be granted to the petitioner.

5. Be that as it may, considering the submissions made on behalf of the petitioner and the fact that, till date, the representation of the petitioner as contained in Annexure – 11 to



the writ petition has not been disposed of, this Court disposes the present writ petition with a direction to the respondent no. 3 to consider the representation of the petitioner and dispose of the same, by a reasoned and speaking order, preferably within a period of eight weeks, from the date of receipt/production of a copy of this order.

6. It is needless to observe that while disposing the aforesaid representation, the respondent no. 3 shall also consider the judgment, as noted hereinabove, passed by the learned co-ordinate Bench of this Court, on which heavy reliance has been made on behalf of the petitioner.

7. This disposes the writ petition.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.01.2024.
Transmission Date	NA

