

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12737 of 2022

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Ganga Devi, Wife of late Yogendra Yadav, Resident of Village- Naudega, P.S.
- Baheri, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The District Panchayati Raj Officer, District- Darbhanga.
4. The Sub Divisional Officer, Biraul, District- Darbhanga.
5. The Block Development Officer, Block - Kusheshwar Nath East, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashank Chandra, Advocate
For the Respondent/s : Mr. Satya Vrat, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 27-08-2024

Heard the parties.

2. Pursuant to the direction of this Court dated 13.08.2024, a supplementary counter affidavit has been filed on behalf of respondents no. 2 to 5 across the Board and the same is taken on record.

3. A copy of the supplementary counter affidavit has duly been served upon the learned counsel for the petitioner.

4. Learned counsel for the State, referring to the averments made in paragraphs-6 to 8 of the supplementary



counter affidavit, submitted that vide letter no. 1070 dated 14.12.2023, no dues certificate has been issued after making proper inquiry into the matter and a request has been made to the Senior Treasury Officer, Darbhanga, to ensure payment to the petitioner. In view thereof, the petitioner has been accorded all the admissible dues under the head of pension/family pension, gratuity and its arrears thereof, the particulars of which have been mentioned in para-9 thereof.

5. The aforesaid facts have not been controverted by the learned counsel for the petitioner. However, referring to the averments made in the writ petition, learned counsel for the petitioner contended that the husband of the petitioner was entitled for the benefit of 2nd Time Bound Promotion on 09.08.1999 and the same was also recommended by respondent no.5 by forwarding the Form of financial up-gradation dated 06.08.1999. However, the benefits of 2nd Time Bound Promotion to the late husband of the petitioner has not been accorded.

6. Learned counsel for the petitioner further contended that while the husband of the petitioner was working as Panchayat Sewak, he was also put under suspension. However, subsequently, his suspension was revoked by respondent no.2 vide letter no. 7 dated 15.01.2009. During the



period of suspension, except subsistence allowance, nothing was paid to the late husband of the petitioner. In this regard, respondent no.5 also issued letter no. 457 dated 05.08.2009 to respondent no.3, seeking guidelines for payment of full salary to the late husband of the petitioner during his suspension period. However, the same has also not been finalized till dated.

7. Regard being had to the averments made in the supplementary counter affidavit as well as the submissions advanced on behalf of the parties and taking note of the fact that the substantive arrears of retiral benefits/family pension have been accorded to the petitioner, this Court deems it apt and proper to dispose of the writ petition with a direction to respondent no.2, the District Magistrate, Darbhanga to consider the claim of the late husband of the petitioner for 2nd Time Bound Promotion and the salary for the period of suspension after excluding the subsistence allowance, preferably within a period of twelve weeks from the date of receipt/production of a copy of this order.

8. Suffice it to say that if the claim of the petitioner's husband finds favour, the necessary consequential monetary benefit(s) shall be accorded to the petitioner within a further period of four weeks thereafter.



9. The writ petition stands disposed of with the
aforesaid direction.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28-08-2024
Transmission Date	

