

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18408 of 2024

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Renu Sharma, Wife of Late Kamlesh Sharma, Resident of Kamal Kunj,
Teacher Colony, Charitravan, Buxar, Ward No.2, P.S. Buxar, District- Buxar.
... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Water Resources Department, Patna.
 2. The Under Secretary (Management), Water Resources Department, Bihar.
 3. The Chief Engineer Mechanical, Irrigation Mechanical Division, Patna.
 4. The Executive Engineer, Irrigation Mechanical Division, Bounsi (Banka).
- Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abinash Kumar, Advocate
For the State : Ms. Dimpal Kumari, AC to GP-11

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-12-2024 Heard Mr. Abinash Kumar, learned counsel

appearing on behalf of the petitioner and Ms. Dimpal Kumari,

learned AC to GP-11 appearing on behalf of the State.

2. The petitioner, in paragraph no. 1 of the present writ petition has sought, *inter alia*, the following relief(s), which is reproduced hereinafter:-

“1. That this writ application is being filed or issuance of direction/ directions upon the Respondent Authorities to pay the arrears of salary with respect to modified 3rd A.C.P. of deceased Kamlesh Sharma, who was husband of this petitioner since 24.3.2009 in view of order issued by Respondent no.2 through memo no.09/ Establishment-01-46/2019/234 Patna dated 23.1.2020 as contained in Annexure-2 to this writ application alongwith stipulated interest as well as to modify the pension of petitioner in view of aforesaid order.”

3. Learned counsel appearing on behalf of the petitioner informs this Court that the Authorities have sat on the



several representations filed on behalf of the petitioner and the said representations have been brought on record by way of Annexure – P/3 series, for the relief(s) as prayed in the present writ petition.

4. Considering the aforesaid submission made on behalf of the petitioner, the Secretary, Water Resources Department, Government of Bihar is directed to call for the service particulars of the deceased employee namely, Kamlesh Sharma, who was posted as Junior Engineer in the Irrigation Mechanical Division, Bounsi (Banka) and died in harness on 22.09.2013, while working at Bounsi (Banka) on the said post and dispose of the representation file on behalf of the petitioner expeditiously in accordance with law.

5. It is made clear that the retiral benefits is not bounty rather property and non-payment of the retiral benefits is against the mandate of Article 300(A) of the Constitution of India.

6. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J.)

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