

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10188 of 2022

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Kahkashan Perween Wife of Md. Safdar Alam, Resident of Mohalla-Mirdas,
Post-Bihar Sharif, P.S. Bihar Sharif, District-Nalanda at Bihar Sharif.

... .. Petitioner/s

Versus

1. The State of Bihar through The Additional Chief Secretary, Rural Works Department, Govt. of Bihar, Patna.
2. The Chief Engineer-3 Rural Works Department, Govt. of Bihar, Patna.
3. The Superintending Engineer, Rural Works Department, Work Circle, Muzaffarpur.
4. The Superintending Engineer, Rural Works Department, Work Circle, Sitamarhi.
5. The Executive Engineer, Rural Works Department, Work Division, Belsand, Sitamarhi.
6. The District Magistrate, Muzaffarpur.
7. The State of Bihar through The Additional Chief Secretary, Road Construction Department, Govt. of Bihar, Patna.
8. The Account General (A and E), Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar
For the Respondent/s : Mr.Kameshwar Prasad Gupta (GP 10)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 10-07-2025

Heard the parties.

2. The husband of the petitioner was duly appointed on the post of Tracer (Anurekhak) on 17.03.1986. While he was discharging his duty, in the meanwhile, he was suffered with some mental illness, and finally came to be superannuated on 30.09.2020.



3. Despite the aforesaid fact, when the husband of the petitioner, the erstwhile employee, has not been accorded the retiral benefits and other dues, the petitioner, being the wife and taking care of her husband, has moved this Court by filing the present writ petition stating all the facts.

4. A counter affidavit on behalf of respondent Nos. 1 to 5 came to be filed. From the averments made therein, it transpired that all the admissible retiral benefits, except 10% of gratuity and 10% of pension as well as leave encashment, have been paid to the petitioner till date on account of unauthorized absence of the husband of the petitioner, as disclosed in paragraph-24 of the counter affidavit. It is submitted that further decision will be taken for making payment of due amount after decision taken by the Department. It is admitted that till date, no such decision has been taken and the petitioner has been deprived from the legitimate retiral benefits and other dues. In view of the averments made in the counter affidavit, this Court finds it appropriate to dispose of the writ petition with a direction to the respondent No. 3 to take a final decision on unauthorized absence of the petitioner and ensure payment of remaining retiral benefits and other due amount, in accordance with law, preferably within a period of



12 weeks from the date of receipt/production of a copy of this order.

5. The writ petition stands disposed of.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	15 .07.2025
Transmission Date	

