

Most. Prema Devi widow of Late Suresh Prasad Yadav, Resident of Village-
Salkhua, P.O.- Salkhua, P.S.- Salkhua, District- Saharsa.

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj, Govt. of Bihar, Patna.
3. The District Collector, Saharsa at Saharsa.
4. The Additional Collector, Saharsa at Saharsa.
5. The Block Development Officer, Sonebarsa, District- Saharsa.
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

For the Petitioner/s	:	Mr. Uma Shankar Singh, Advocate Mr. Shishir Kumar Shishir, Advocate Mr. Krishna Prasad Singh, Advocate
For the Respondent/s	:	None

6 19-01-2026 1. Heard learned counsel for the petitioner. No one appears on behalf of the respondent-State.

2. The petitioner has filed the instant application for the following reliefs :-

“(i) For the issuance of an appropriate writ to quash the order of punishment issued vide Memo No. 364 dated 14th Sept, 2015 by the Respondent no.3 (the Collector, Saharsa) against a dead of employee (husband petitioner) of superannuated from the post Panchayat secretary, Sonbarsa, District-Samastipur (contained in Annexure-4)



(ii) For the issuance of an appropriate writ/direction holding that all the deductions order as punishment against the husband of the petitioner are illegal.

(iii) For the issuance of an appropriate writ direction/commanding the respondent for the payment of all the retrial dues alongwith the 50% pension amount, salary of suspension period and gratuity amount which has not been paid till date.

(iv) For issuance of any other writ/direction for the payment of any legal dues to which the petitioner is entitled as widow of Government servant died after superannuation at the post of Panchayat Secretary, and/or as your Lordships may deem fit and proper for the ends of justice.”

3. It is submitted by learned counsel for the petitioner that besides the petitioner having a good case on merits, in a proceeding started against the husband of the petitioner while the petitioner's husband died on 3.4.2015, the order of punishment, impugned herein, came to be passed subsequent thereto on 14.9.2015, which could not have been done.

4. Having heard learned counsel for the petitioner and having perused the material on record, it is not in dispute that the husband of the petitioner died on 3.4.2015. The petitioner has brought on record the death certificate of her husband as



Annexure-3 to the writ application and even as per the statement made in paragraph no.12 of the counter affidavit filed on behalf of respondent nos.3 and 5, the same has been admitted.

5. Bereft of unnecessary details it may be stated here that no departmental proceeding could have continued against a dead person nor an order of punishment could have been passed subsequent to the death of the employee. As such, in the opinion of the Court, the petitioner has made out a case for interference by this Court.

6. In the facts and circumstances of the case, the order of punishment contained in Memo no.364 dated 14.9.2015 issued by the Collector, Saharsa is set aside.

7. The writ application is allowed with all consequential benefits.

8. The difference of arrears of pension, consequent to the order of punishment having been set aside, shall be paid to the petitioner herein within a period of three months.

(Partha Sarthy, J)

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