

IN THE HIGH COURT OF JUDICATURE AT PATNA  
(CIVIL WRIT JURISDICTION)

C.W.J.C. No. OF 2015

Geeta Devi ... .. Petitioner

Versus

The State of Bihar & Others. ... .. Respondents

Sub: *Retired Benefit*

Group:

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Vakalatnama.

**Synopsis**

Geeta Devi ... .. Petitioner  
**Versus**  
The State of Bihar & Ors. ... .. Respondents.

**Reliefs:-**

1. For payment of all the benefits of retirement with interest i.e. Gratuity, Pension & Family Pension, Provident Fund, Leave Encashment (Salary for the un-utilized leave) and Group Insurance.

**Facts & Dates:-**

- 22.7.1981:** The petitioner's husband appointed as Circle Officer in Sikandara Block, Munger.
- 31.7.2009 :** The petitioner's husband retired from service as Circle Officer, Kumar Khand Block, Madhepura.
- Till date no payment has been made. Action is arbitrary, illegal and unwarranted.
- Action violative of Articles 14 & 21 of the Constitution of India as well as the principle of natural justice.
- 15.7.2013 :** General Administration Department received the pension form.
- 16.6.2014 :** Reminder was also given to the husband of the petitioner.
- 5.7.2014:** Photocopy of Death Certificate and treatment prescription.

**Hence this writ application.**

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(CIVIL WRIT JURISDICTION)**

**C.W.J.C. NO. OF 2015**

In the matter of an  
application under Article  
226 of the Constitution of  
India;

And

In the matter of

Geeta Devi, w/o Late Radheyshyam Paswan, resident of  
Village – Mehda Shahpur, Police Station – Cheriya Bariarpur,  
District – Begusarai ... .. **Petitioner**

**Versus**

1. The State of Bihar
2. The Principal Secretary, Department of General  
Administration, Govt. of Bihar, Patna.
3. The Additional Secretary, Department of General  
Administration, Govt. of Bihar, Patna.

4. The Joint Secretary, Department of General Administration, Govt. of Bihar, Patna.
5. The District Magistrate, Madhepura.
6. The Block Development Officer, Kumar Khand, Madhepura.
7. The District Provident Officer, Madhepura.
8. The Director, Provident Fund, Provident Fund Directorate, Pant Bhawan, Patna.
9. The Accountant General, Bihar, Patna.

... .. Respondents

To

The Hon'ble Mr. Justice Narasimha Reddy,  
the Chief Justice of the High Court of Judicature at Patna and  
his Companion Justices of the said Hon'ble Court.

The humble petition on  
behalf of above-named  
petitioner;

**Most Respectfully Sheweth :-**

1. That this is an application for issuance of appropriate writ(s), order(s), direction(s) directing and commanding

the respondents for payment of following retiral benefits with interest :-

- (i) Pension and Family Pension.
- (ii) Gratuity.
- (iii) Provident Fund.
- (iv) Leave Encashment (Salary for the un-utilized leave).
- (v) Group Insurance.

And/or may pass such any other order/orders which deems fit and proper.

2. That it is humbly stated that non-payment of retiral benefits to the petitioner's husband as well as to her is arbitrary, illegal, erroneous, unwarranted and violative of Articles 14 & 21 of the Constitution of India as well as principle of natural justice.
3. That the petitioner is citizen of India and residing within the territorial jurisdiction of this Hon'ble Court.

4. That it is stated that the petitioner's husband was appointed as Circle Officer on 22.7.1981 at Sikandara, Munger after following due procedure for appointment.
5. That it is stated that during his service period petitioner's husband was transferred from one place to other.
6. That the petitioner's husband had already been retired from service on 31.7.2009 while, he was posted as Circle Officer, Kumar Khand Block, Madhepura after attaining the age of 60 years and his parent department is General Administration Department where he submitted his all relevant papers in connection with retiral as well as pensionary benefits on 13.12.10.
7. That while husband of the petitioner was in service he was placed under suspension in contemplation of departmental proceeding. He challenged suspension order by filing C.W.J.C.No.6357 of 2008 and said writ application was allowed under order dated 1.7.08 and

his suspension was revoked with observation that the proceeding initiated/contemplated against him shall however continue. At this stage it is further relevant to point out here that, aforesaid proceeding was not concluded during the service period of his husband as such same was converted under Rule 43(b) of the Bihar Pension Rule and during pendency of said proceeding husband of the petitioner died on 5.7.14.

8. That at this stage it is relevant to point out here that the General Administration Department having received the pension form, G.P.F. Final withdrawal form belatedly, made some query and directed the husband of the petitioner vide Letter no.11640 dated 15.7.13 to submit entire paper with recommendation of competent authority. Reminder was also given to the husband of the petitioner vide letter no.8069 dated 16.6.14.

A copy of letter no. 11640  
dated 15.7.13 and letter

no.8069 dated 16.6.14 are annexed herewith and marked as Annexure-1(series) to this application.

9. That it is humbly stated and submitted that the petitioner's husband was suffering from Cancer and after long treatment he died on 5.7.2014.

A photocopy of Death Certificate along with treatment certificate is annexed herewith and marked as Annexure-2 to this application.

10. That it is humbly submitted that the petitioner has already given representation before the Joint Secretary, Govt. of Bihar, Department of General Administration, Bihar, Patna (Respondent no.4) for payment of all retiral



benefit, but till date no action has been taken by the respondents no. 2 to 4, result being that, till date not a single farthing has been paid.

A photocopy of Representation dated 25.6.14 is annexed herewith and marked as Annexure-3 to this application.

11. That it is humbly stated and submitted that, during the life time of the husband of the petitioner, even provisional pension was not allowed and entire family members were/are facing hardship.
12. That it is humbly stated and submitted that, husband of the petitioner was suffering from Cancer, and due to non-payment of legal retiral dues in time, no proper treatment was made available to him and ultimately he died on 5.7.14, which itself show inaction on the part of the respondents.

13. That in view of the facts narrated herein above it would reveal that, inaction on the part of the respondents are writ large, as such the Hon'ble Court may be pleased to direct the respondents to make payment entire retiral benefits including family pension along with interest without further loss of time.
14. That it is humbly stated that, the petitioner is legally entitled to get due pension of her late husband for the period 1.08.2009 to 5.7.2014 (date of death) and thereafter she is entitled to get family pension as well as all Death-cum-Retiral benefits.
15. That in view of the aforesaid facts and circumstances narrated herein above it would reveal that action of the respondents in withholding the Death-cum-Retiral benefits is arbitrary, illegal, unconstitutional, unwarranted and against the principle laid down by the State Government itself.

16. That the action of respondents is violative of Articles 14 & 21 of the Constitution of India as well as law does not permit to withhold Death-cum-Retiral benefits, without any cogent and valid reason.
17. That in the aforesaid facts and circumstances there lefts no alternative and efficacious remedy to the petitioner than to move before this Hon'ble Court.
18. That the petitioner has not moved earlier before this Hon'ble Court in this connection.

It is, therefore, prayed that Your Lordships may graciously be pleased to Issue notice to the respondents and after hearing the parties, may allow the prayer made in paragraph-1 to this application.

And/Or

10

May pass such other order or  
orders which deem fit and  
proper.

And for this, the petitioner shall ever pray.

**AFFIDAVIT**

I, Geeta Devi, aged about years, w/o Late Radheyshyam Paswan, resident of Village – Mehda Sahpur, P.S. – Cheriya Bariarpur, District – Begusarai, do hereby solemnly affirm and states as follows:-

1. That I am petitioner in this case and as such I am well acquainted with the facts and circumstances of the case.
2. That the contents of this petition have been read over and explained to me in Hindi, which I have fully understood the same.
3. That the statements made in paragraph nos. 1 to 7, 11 to 18 are true to the best of my knowledge and belief and those made in paragraph nos. 8 to 10 are true to my information derived from the records of this case and rest are by way of submissions before the Hon'ble Court.
4. That the annexures are true photocopies of their respective originals.

पत्र संख्या-14/पें.-307/2009 सा.प्र.8069/

बिहार सरकार

सामान्य प्रशासन विभाग

निबंधित

अनुमोदन हेतु प्रारूप

प्रेषक,

गिरिवर दयाल सिंह,  
सरकार के संयुक्त सचिव ।

सेवा में,

श्री राधेश्याम पासवान,  
सेवानिवृत्त बि.प्र.से.,  
ग्राम-मेहदाशाहपुर, पो.-मेहदाशाहपुर,  
थाना-चेरिया बरियारपुर,  
जिला, बेगुसराय (बिहार)।

पटना-15, दिनांक 16.6.14

विषय :- सेवान्त लाभ से संबंधित पेंशन-प्रपत्र (तीनों प्रति) एवं सामान्य भविष्य निधि में संचित राशि की अंतिम निकासी से संबंधित आवेदन (विहित प्रपत्र) की तीनों प्रतियों की वापसी के संबंध में।

महाशय,

निदेशानुसार उपर्युक्त विषयक आपके पत्र दिनांक-13.12.2010 के प्रसंग में प्रेषित विभागीय पत्रांक-11640 दिनांक-15.07.2013 (प्रति संलग्न) के क्रम में पुनः निदेशित किया जाता है कि आप अपने सेवान्त लाभ का स्वीकृति हेतु पेंशन-प्रपत्र (तीन प्रति में) अपने नियंत्री पदाधिकारी की अनुशंसा के साथ अन्य अपेक्षित कागजातों सहित उचित माध्यम से इस विभाग को आवश्यक कार्यार्थ प्रेषित करायें। साथ ही, सामान्य भविष्य निधि में संचित राशि की अंतिम निकासी से संबंधित आवेदन (कटौती विवरणी सहित) में पूर्ण प्रविष्टियों के साथ अनुशंसा सहित उचित माध्यम से इस विभाग को अविलंब प्रेषित करायें।

कृपया इसे अत्यावश्यक समझें।

अनु०:- यथोक्त।

विश्वासभाजन



(गिरिवर दयाल सिंह)  
सरकार के संयुक्त सचिव।



निबंधित

पत्र संख्या-14/पं.-307/2009सा.11640/

बिहार सरकार  
सामान्य प्रशासन विभाग

प्रेषक,

विमलेश कुमार झा,  
सरकार के उप सचिव ।

सेवा में,

श्री राधेश्याम पासवान, सेवानिवृत्त बि.प्र.से.  
ग्राम-मेहदाशाहपुर, पो.-मेहदाशाहपुर,  
थाना-चेरिया बरियारपुर, जिला-बेगूसराय,  
बिहार ।

पटना-15 दिनांक/5 जुलाई, 2013

विषय:-

सेवान्त लाभ से सम्बन्धित पेंशन-प्रपत्र (तीनों प्रति) एवं सामान्य भविष्य निधि में संचित राशि की अंतिम निकासी से सम्बन्धित आवेदन (विहित प्रपत्र) की तीनों प्रतियों को वापस करने के संबंध में ।

महाशय,

निदेशानुसार, उपर्युक्त विषयक आपके पत्र दिनांक 13.12.2010 के द्वारा प्रेषित अपने सेवान्त लाभ से सम्बन्धित पेंशन-प्रपत्र की तीनों प्रतियों तथा सामान्य भविष्य निधि में संचित राशि की अंतिम निकासी से सम्बन्धित आवेदन (विहित प्रपत्र) की तीनों प्रतियों को वापस करते हुए कहना है कि पेंशन प्रपत्र के सभी अपेक्षित स्थानों पर प्रविष्टियाँ अंकित नहीं है और न ही सामान्य भविष्य निधि में संचित राशि की अंतिम निकासी से सम्बन्धित आवेदन (विहित प्रपत्र) में अपेक्षित प्रविष्टियाँ अंकित है । पेंशन-प्रपत्र में छिपकाये गए फोटोग्राफ्स तथा हस्ताक्षर भी अभिप्रमाणित नहीं है । जो कि आवश्यक है ।

2. उपर्युक्त के आलोक में निदेशित किया जाता है कि सेवान्त लाभ की स्वीकृति हेतु अतिरिक्त 04 (चार) संयुक्त फोटोग्राफ्स (जो अभिप्रमाणित हो), बाकी/बेबाकी प्रमाण-पत्र, विभागीय बकायः प्रमाण-पत्र, सेवा प्रारम्भ से सेवानिवृत्ति की तिथि तक का पदस्थापन ब्यौरा (अवधि सहित) तीन-तीन प्रतियों में पेंशन-प्रपत्र अनुशंसा के साथ उचित माध्यम से इस विभाग को प्रेषित करायें । साथ ही, सा.भ. निधि में संचित राशि की अंतिम निकासी से सम्बन्धित आवेदन (कटौती विवरणी सहित) में पूर्ण प्रविष्टियों के साथ अनुशंसा सहित उचित माध्यम से इस विभाग को अविलम्ब प्रेषित करायें ।

3. अंतिम वेतन प्रमाण-पत्र भी संलग्न किया जाय ।

4. पेंशन-प्रपत्र की तीनों प्रतियों में अपना मोबाइल नम्बर भी अंकित किया जाय ।

कृपया इसे अत्यावश्यक समझें ।

अनु.- (i) पेंशन प्रपत्र की तीनों प्रति ;

(ii) सा.भ. निधि में संचित राशि की अंतिम निकासी से संबंधित आवेदन की तीनों प्रति ।

विश्वाप्रभाजन,

सरकार के उप सचिव ।

ज्ञापांक-14/पं.-307/2009सा.11640/पटना-15, दिनांक 15 जुलाई, 2013

प्रतिलिपि:- महालेखाकार, बिहार, पटना/निदेशक, भविष्य निधि निदेशालय, पंत भवन, पटना/प्रभारी पदाधिकारी, वित्त (वैयक्तिक दावा निर्धारण कोषांग) विभाग, पटना/प्रशाखा पदाधिकारी, प्रशाखा-2 एवं 12, सामान्य प्रशासन विभाग, पटना को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित ।

सरकार के उप सचिव ।

Annex-2

14



**MAHAVIR  
CANCER SANSTHAN**  
Phulwari Sharif,  
Patna - 801 505 (INDIA)  
Phones : ( 0612) 2250127, 2253956  
Fax : (0612) 2253957  
email : mcs@hclinfnet.com  
website : [www.mahavircancersansthan.com](http://www.mahavircancersansthan.com)

Ref. No. MCS / T.C. / 2014 / 3206

Date: 07/04/14

**TREATMENT CERTIFICATE**

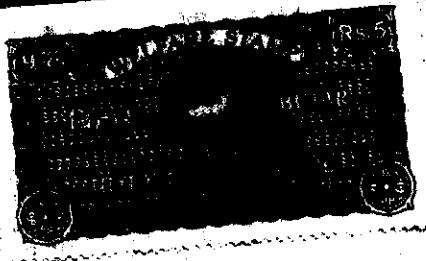
This is to certify that Radheshyam Paswan (MCS No. D-46147) aged about 70 years, male, S/O Kailu Paswan resident of Mehdashapur, Begusarai, was first seen in OPD on 18<sup>th</sup> March 2014 as a diagnosed case of Ca Prostate with Bony Mets. 1<sup>st</sup> chemotherapy was given on 01/04/14. Next due date of chemo will be on 01/05/14.

  
DR. J.K. SINGH.

(Director)  
Director

**Mahavir Cancer Sansthan**  
Phulwari Sharif.  
Patna - 801 505





GOVT OF BIHAR  
 Re: Finance & Production Dept  
 Ministry of State Revenue  
 AUTHORIZATION NO: 2208



STAMP DUTY  
 00000  
 Rs 0000100  
 23.7.2014  
 035491  
 BIHAR  
 \*Zero\*Zero\*Zero\*Zero\*One\*Zero\*Zero\*

6708185 5539E

15

Before,  
 The Sub-Divisional Magistrate,  
 Manjhaul (Begusarai).

AFFIDAVIT

Aff no. 601

Date 23/07/14

I, Gireeta Devi S/o, W/o, D/o Radheshyam Paswan

Aged about 49 Yrs, Resident of Village Mehdaskolpur

P.O. Mehdaskolpur P.S. Chesia Basiyaspur

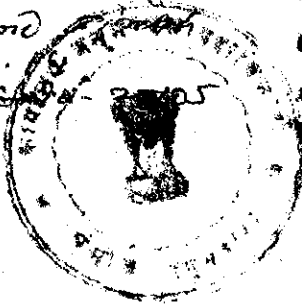
Dist:-Begusarai (Bihar), do hereby solemnly affirm and declare as follows :-

1. That my date of Birth as per english calendar is 01.01.1965  
 (One January Nineteen Hundred  
late sixty five.)
2. That name of my Parents is late Jalesham Paswan late Sani Devi  
 Who are resident of village Mehdaskolpur P.O. Mehdaskolpur  
 P.S. Chesia Basiyaspur Sub-Division Manjhaul Dist. Begusarai (Bihar)
3. That this affidavit sown by me for getting Pan Card.

Above noted facts are true to the best of my knowledge and belief.

Deponants Singed/Thumbs in my  
 Presence.

Devendra  
 23.07.  
 Advocate



Gireeta Devi  
देवी गीता  
 Deponant

Gireeta Devi  
 Deponant

23/7/14  
 Deponant

A

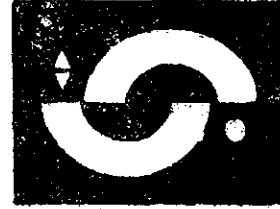


सत्यमेव जयते

बिहार सरकार  
GOVERNMENT OF BIHAR  
(बोजना एवं विकास विभाग)

प्रारूप संख्या-6  
Form-6

No 134425



(DEPARTMENT OF PLANNING AND DEVELOPMENT)

सांख्यिकी एवं मूल्यांकन निदेशालय

DIRECTORATE OF STATISTICS AND EVALUATION

मृत्यु प्रमाण-पत्र

DEATH CERTIFICATE

(जन्म और मृत्यु रजिस्ट्रीकरण अधिनियम, 1969 की धारा-12/17 तथा बिहार जन्म और मृत्यु रजिस्ट्रीकरण नियमावली, 1999 के नियम 8/13 के अन्तर्गत जारी किया गया।)

(Issued under Section-12/17 of the Registration of Births and Deaths Act, 1969 and Rule 8/13 of the Bihar Registration of Births and Deaths Rules, 1999)

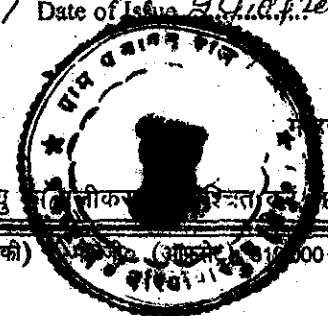
बहु प्रमाणित किया जाता है कि निम्नलिखित सूचना मृत्यु के मूल अभिलेख से ली गई है, जो कि (स्थानोप क्षेत्र) बेराहा तहसील (अंचल/प्रखंड) बेराहा जिला बेराहा राज्य: बिहार के रजिस्टर में उल्लिखित है।

This is to certify that the following information has been taken from the original record of death which is the register for (local area/local body).....of tahsil (Anchal/Block) .....of District.....of State : Bihar

नाम / Name श्री. देवी देवी 41/19/10 लिंग / Sex महिला  
मृत्यु की तिथि / Date of Death 25.07.2014 मृत्यु का स्थान / Place of Death बेराहा  
माता का नाम / Name of Mother श्री. देवी देवी  
पिता/पति का नाम / Name of Father/Husband श्री. देवी देवी  
मृतक का मृत्यु के समय का पता / मृतक का स्थायी पता /  
Address of the deceased at the time of death Permanent address of the deceased  
बेराहा, जिला बेराहा, बिहार बेराहा, जिला बेराहा, बिहार

पंजीकरण संख्या / Registration No. 18 पंजीकरण दिनांक / Date of Registration 24.07.2014  
टिप्पणी / Remarks (if any).....

जारी करने की तिथि / Date of Issue 24.07.2014 प्राधिकारी का पता / Address of the issuing authority  
पंचायत राज साहू  
Seal बेराहा बिरियारपुर (बेराहा)



"प्रत्येक जन्म एवं मृत्यु रजिस्ट्रीकरण सुनिश्चित करें। Ensure registration of every birth and death"

Annex-3

To,

Sri Girnar Dayal Singh,

Joint Secretary, Govt. of Bihar,

SAMANYA PRASHASAN BIDDAG,

General administration,

Department,

Reference :- In the matter of pension, gratuity leave incashment & all the retired benefit of late Radheshyam Paswan Retd. (B.P.S) AT+P.O.- Mak Mandasahpur, P.S.-Cheriya Bariyarpur Distt- Begusarai (Bihar),

Sir,

With due respect I, Geeta Devi W/O late Radhe Shyam Paswan, AT+P.O.-Mehdasahpur, P.S.-Cheriyabariyarpur, Subdivision - Manjhaul, District-Begusarai, I beg to state that my husband Radheshyam Paswan Retd. (B.P.S) died on 5.7.2014 at about 4:32 AM in the morning at his own residence due to illness. I am widow of my late husband and entitled to receive pension, gratuity, leave incashment and all the retire benefit of my late husband. Hence a Photocopy of death Certificate of my husband is annexed with this application.

I therefore request you kindly to accept my application and provided me all the retired benefit Gratuity pension leave incashment of late my late husband Radheshyam paswan (Retd. B.P.S) for which I shall ever be grateful to you.

Yours faith fully

Smta Devi W/O Radheshyam Paswan

M.P.O. - Mohdshahpur

S.O. - Manjhauri.

District - Begusarai.

Telephone No:-9122422338

Date - 25-6-2014