

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6338 of 2023

Mostt. Jaymanti Devi Wife of Late Bhasho Manjhi, Resident of Village Bihata, Post Office Billo, P.S. Lakhisarai, District Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Lakhisarai.
2. The Collector cum District Magistrate, Lakhisarai.
3. The Deputy Collector, Department of Establishment, Lakhisarai Collectorate, Lakhisarai.
4. The District Provident Fund Officer, Munger.
5. The Accounts Officer, District Provident Fund Office, Munger.
6. The Accountant General, Bihar, Veerchand Patel Path, Patna.
7. The Superintendent of Police, Lakhisarai.
8. The Sub Divisional Officer, Lakhisarai.
9. The Circle Officer, Ramgarh Chowk Circle, District- Lakhisarai.
10. The Senior Treasury Officer, Lakhisarai Treasury, Lakhisarai.
11. The Circle Officer, Ramgarh Chowk Circle, District- Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Om Prakash Maharaj, Advocate
For the Respondent/s	:	Mr.Manish Kumar (GP 4)
		Mr.Manoj Kumar, AC to GP 4
For the AG (Bihar)	:	Mrs.Ritika Rani, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 04-10-2023

Heard Mr. Om Prakash Maharaj, learned counsel appearing on behalf of the petitioner; Mr. Manish Kumar (GP 4) with Mr. Manoj Kumar (AC to GP 4) and Mrs. Ritika Rani, learned counsel for the Accountant General (Bihar).



2. Learned counsel files second supplementary statement of facts on behalf of respondent nos. 2 & 9 in the Court today itself. Let it be kept on record.

3. Learned counsel appearing on behalf of the petitioner informs this Court that the delay of 15 years has been made in payment of the retiral dues under different heads including family pension to the petitioner. He further submits that the husband of the petitioner had died in harness in the year, 2008 while he was posted as *Chawkidar*.

4. Learned counsel further submits that the pension is not a bounty rather it is a fundamental right under Article 300A of the Constitution of India and the petitioner is entitled for compensation as well as interest in accordance with law laid down by the Apex Court in the case of **State of Kerala Vs. M.Padmanabhan Nair** reported in (1985) 1 SCC 429 and **D.D. Tewari Vs. Uttar Haryana Bijli** reported in (2014) 8 SCC 894 on account of delay in making payment of pension and other retiral dues under different heads from the date of entitlement till the date of payment of the retiral dues to the petitioner.

5. Considering the fact that the petitioner is being paid family pension and other retiral dues has already been paid to the petitioner, this Court can only show its concern over the manner



in which the State Government officials particularly the Block Development Officer, the Circle Officer and the District Magistrate have shown callous attitude against the petitioner, who is a widow and old illiterate lady and she was compelled to move from pillar to post for a long period of 15 years without any financial support, which is very condemnable.

6. The District Magistrate is directed to compensate the petitioner a sum of Rs.5,00,000/- (five lac) over and above the interest as has been prescribed by the Apex Court in the case of **State of Kerala Vs. M.Padmanabhan Nair** reported in **(1985) 1 SCC 429** and **D.D. Tewari Vs. Uttar Haryana Bijli** reported in **(2014) 8 SCC 894**.

7. The above exercise must be carried out by the authority concerned within a period of four weeks from the date of passing of this order.

8. With the above observation/direction, the present writ petition is disposed of.

(Purnendu Singh, J)

chn/-

AFR/NAFR	
CAV DATE	
Uploading Date	05.10.2023
Transmission Date	

