

(2010) 04 JH CK 0028
In the Jharkhand High Court

Most. Thakur Mani

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 12-04-2010

Acts Referred:

Citation : (2010) 04 JH CK 0028

Hon'ble Judges : Dabbiru Ganeshrao Patnaik, J

Bench : Single Bench

Judgement

D.G.R. Patnaik, J.—Heard Counsel for the parties.

2. As it appears from the facts stated in the writ application, the petitioner after about 28 long years of demise of her husband, has now come up with a claim for a direction upon the respondents to pay the arrears of salary which was not paid to her deceased husband for about five months prior to the date of his death and also, for a direction to compute and pay the family pension to her.

3. Counsel for the petitioner by adverting to Annexure-4, which is claimed to be a copy of the purported representation filed by the petitioner before the District Superintendent of Education, Hazaribagh, on 02.03.2004, submits that no communication was made to the petitioner regarding the decision taken on the aforesaid representation by the respondents even after almost one year of the date of representation and, therefore, the petitioner has filed the instant writ application.

Learned Counsel further submits that the petitioner has annexed the service excerpts of her deceased husband to this writ application which would confirm the fact that the petitioner's husband was employed as a teacher in the Government School and had worked continuously from the date of his appointment till the date when he died in harness.

4. In the counter affidavit filed by the respondents, the petitioner's claim has been denied basically on the ground that the claim for payment of arrears of salary after more than 28 years of demise is highly belated and cannot be

entertained.

5. As it appears, the petitioner has not explained as to why ever since the demise of her husband in 1975, she did not approach the concerned authorities demanding payment of purported arrears of salary and other retiral dues which was due in the account of her deceased husband. Such claim, after such a long delay of more than 28 years, cannot be entertained by this Court even by way of exercising extraordinary Jurisdiction. However, considering the undisputed fact that the petitioner's husband was a Government Teacher and had died in harness and this fact being prima facie confirmed from the copies of the service excerpts of the deceased employee, the concerned authorities of the respondents shall verify the facts on the basis of the service excerpts provided by the petitioner and assess the amount of family pension to which the petitioner may be entitled and pass an appropriate order to ensure payment of family pension to the petitioner, from the date when the decision in this regard is taken. Such decision must be taken within two months from the date of receipt/production of a copy of this order.

6. With these observations, this writ application is disposed of.

Let a copy of this order be given to the Counsel for the Respondents.