

Smt. Bindhya Basini Mishra Vs. State of Bihar and ors.

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Court : Jharkhand

Decided On : Feb-21-2006

Reported in : [2006(2)JCR242(Jhr)]

Judge : S.J. Mukhopadhaya and; Narendra Nath Tiwari, JJ.

Appeal No. : C.W.J.C. No. 2049 of 2000

Appellant : Smt. Bindhya Basini Mishra

Respondent : State of Bihar and ors.

Advocate for Def. : A. Allam and; N. Sharmin, Advs.

Advocate for Pet/Ap. : V.P. Singh, Adv.; B.N. Tiwary, Adv.

Disposition : Petition allowed

Judgement :

ORDER

1. This writ application has been preferred by the widow of late B.N. Mishra, who was Superintending Engineer under the respondent State. While, in service, he was kidnapped from his office by the extremists on 16th August, 1997 and having been killed, his dead body was recovered on 17th August, 1997.

2. The writ petition has been preferred by the petitioner for a direction on the respondents to pay her Rs. 1,00,00,000/-(one crore) as compensation and any

other relief, to which she is found entitled.

3. From the counter affidavit, it appears that the husband of the petitioner was one of the members of the District Engineering Service Association (hereinafter to be referred as 'Association'). The matter was taken up with the State Government, in pursuance of a decision, as taken place on 19th August, 1997 and it was decided by the State and communicated vide letter No. 402 dated 20th August, 1997 that the family of late B.N. Mishra will get ex gratia payment of Rs. 10,00,000 (ten lacs), apart from Family Pension etc., to which the widow of the B.N. Mishra is entitled. It was also decided to give employment to the unmarried daughter of late B.N. Mishra.

4. In view of the decision, taken by the State, as communicated vide letter No. 402 dated 20th August, 1997, we direct the respondents to pay Rs. 10.00.000/- (Rupees ten lacs) to the widow of the late B.N. Mishra as also other benefits, such as, family pension, gratuity, leave encashment, provident fund etc., if not yet paid, within one month from the date of receipt/production of a copy of this order, failing which the respondents will be liable to pay interest at the rate of 5% per annum on the admitted dues with effect from 20th August, 1997, the date on which decision was communicated.

5. We have also noticed that the husband of the petitioner died while in service of the erstwhile State of Bihar. Accordingly, we direct the successor State of Bihar through the Secretary, Water Resources Department, Government of Bihar, Patna, to pay the dues, though it will be open to it to adjust the amount at the time of apportionment of the assets and liabilities of the erstwhile State of Bihar.

6. The writ petition is, thus, allowed with the aforesaid observations and directions.

7. Let a copy of this order be handed over to Ms. Nehala Sharmin, learned Counsel appearing on behalf of the State of Bihar.