IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4412 of 2015

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Ranjana Devi Wife of Late Ramakant Jha EXVEW (Gram Prasar Karyakarta) Village E Worker Disterict Agriculture Officer, Darbhanga, Residing in Resident of Village + P.O. - Shinghiya, District- Samastipur, Presently residing in M- Laxmi Sagar Road no. 6 , Mukhiyaji Pokhar Bhinda P.O. - Laxmisagar, P.S. - University Campus, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar through Secretary Agricultural Department New Secretariat, Govt. of Bihar, Patna.
2. The Director Agriculture Department , Patna, Bihar
3. The Joint- Director Agricultural Department Darbhanga Pramandal Darbhanga
4. The District Agriculture Officer, Darbhanga
5. The District Provident Fund Officer, Darbhanga
6. The Director General Provident Fund, Pant Bhawan Patna.
7. The Accountant General , Bihar, Patna.
8. The Treasury Officer, Darbhanga

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Hari Mohan Mishra
For the Respondent/s : Mr. Gp27- Purnendu Singh

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

2 02-04-2015 Learned counsel for the petitioner prays for and is allowed to implead Treasury Officer, Darbhanga as respondent no.8.

Heard learned counsel for the parties.

The prayer of the petitioner in this writ application can be very well bifurcated into two parts. Firstly, the petitioner being widow of late Ramakant Jha has a grievance that she has not been paid the amount of arrears of pension of her husband for the period 1.2.2008 to 8.8.2008.

In respect of the same this Court would find that there was already authorization issued by the office of the Accountant

General on 14th November, 2014 which would go to show that her husband was entitled for payment of pension to the tune of Rs.10,355/- per month for the period 1.2.2008 to 8.8.2008. It is, however, not clear as to whether the Accountant General had earlier also authorized payment of pension of the husband of the petitioner which in fact was sought to be revised by the pension payment order dated 14th November, 2014. The Treasury Officer, Darbhanga is hereby directed to examine as to whether the full and final payment of monthly pension as authorized by the office of the Accountant General has already been made or the petitioner still in capacity of the wife will be entitled to any further amount of pension of her husband for the period 1.2.2008 to 8.8.2008.

As with regard to the claim of family pension this Court would find that the office of the Accountant General had authorized the petitioner to get a sum of Rs.10,355/- per month for the period upto 31st January, 2015 and thereafter she was to get normal family pension of Rs.6,213/- per month. The Treasury Officer, Darbhanga shall again verify as to what amount of family pension has already been paid as authorized by the Accountant General in the PPO dated 14th November, 2014. If the petitioner is entitled for any arrears of family pension in terms of the aforementioned PPO dated 14th November, 2014 the payment thereof also must be made to the petitioner within a period of four weeks from the date of receipt of this order.

The next grievance of the petitioner as with regard to payment of leave encashment has again two angles. Leave encashment as per salary in which the husband of petitioner had retired seems to have been already been paid. Nonetheless the competent authority will verify as to whether any amount of leave encashment was paid either to the husband of the petitioner or to the petitioner. The second aspect that such amount of leave encashment another retirement benefit would require revision in view of the order of granting the benefit of first and second ACP to the deceased husband of the petitioner in terms of the office order dated 30th September, 2010 passed by the Joint Agriculture Director, Darbhanga would firstly require issuance of fresh pay slip of the husband of the petitioner in the revised pay scale and also calculation of the amount. This exercise, however, being based on the entitlement of the husband of the petitioner, strictly being not even a retirement benefit, all that this Court can say is that the Joint Director, Agriculture, Darbhanga Division should himself make his endeavors keeping in view that the petitoiner is a widow and not cannot run around for payment of arrears of amount either by way of arrears of salary or revised retirement benefit on account of revision of pay scale of the husband of the petitioner on grant of benefit of two ACP as per order dated 30th September, 2010. Thus, it will be the duty of the Joint Director, Agriculture, Darbhanga Division to first ensure that the financial benefit of ACP granted to the husband of the petitioner either in terms of the arrears of salary or in terms of the revised retirement benefit must be extended to the petitioner within a period of three months from the date of receipt of this order.

At this stage learned counsel for the petitioner also submits that the petitioner has not received payment of amount of GPF. There is, however, no statement to this effect in the writ petition and therefore, all that this Court can do is to direct the District Provident Fund Officer, Darbhanga to examine as to what amount of contribution was made by the husband of the petitioner in the provident fund and if the same has not been paid either to the husband of petitioner or to the petitioner as yet the same must be paid to her within a period of three months from the date of receipt of this order. Such amount of GPF, however, will also include the statutory interest as per GPF Rules.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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