

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3168 of 2000

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Sudha Rao wife of Late Amrendra Pratap Rao resident of village and P.O. Takua, Tar, P.S. Ramkola, District Padrona Kushinagar, U.P. , wife of Late Amrendra Pratap Rao, Ex Branch Manager, Land Development Bank, Budh Marg, Patna.

.... Petitioner/s

Versus

1. Bihar State Co-operative Land Development Bank, Budh Marg, Patna through Administrator.
2. The Administrator, Bihar State Cooperative Land Development Bank, Budh Marg, Patna.
3. The Deputy Managing Director (Administration), Bihar State Co-operative Land Development Bank, Patna.
4. The Regional Manager, Land Development Bank, Ranchi and Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Rajesh Prasad Choudhary

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 23-06-2015 No one appears on behalf of the petitioner. I have heard learned counsel for the respondent Bihar State Co-operative Land Development Bank, Patna.

Petitioner is the widow of Late Amrendra Pratap Rao, who was working as the Land Development Officer under the respondent Bank. He died on 01.06.1995. The petitioner has sought for a direction from this Court for payment of following dues which, according to her, her husband was entitled to receive from the respondent Bank as an employee of the Bank:-

- “1.A. (i) Increment from
1.4.1983 to May, 1995.
(ii) The pay may be fixed on the

basis of 5th pay revision i.e. from 1.1.1986 till 31.05. 1995 and arrear may be paid with interest.

(iii) The earned leave may be granted from 07.05.1990 to 16.08.1990.

(iv) The arrear salary may be paid from March, 1990 to 06.05.1990.

(v) The suspension allowance from 17.08.1990 to 08.06.1995.

(vi) Leave salary

(vii) Gratuity. “

This writ application was filed on 06.04.2000.

There is apparent delay in filing of the writ application inasmuch as the reliefs which the petitioner has sought for relate to payment of dues, right from the year 1983 upto the death of her husband in the month of May, 1995. There is allegation in the writ application that the petitioner had gone on leave from 07.05.1990, while posted at Dighwara Branch. There is no averment as to when did he join his service thereafter. It appears that he was put under suspension, which was subsequently revoked, whereafter he joined Bank service on 25.06.1993.

A counter affidavit has been filed on behalf of the respondent Bank from which it appears that the amount of group Insurance and provident fund has been paid to the petitioner. Referring to the claim for payment of arrears of salary for the period March, 1990 to 06.05.1990 it has been stated in paragraph 8 of the counter affidavit, which was filed in the year 2003 that if the claim was found genuine, the payment of the amount shall be expedited.

Learned counsel for the respondent Bank has stated that he does not have the present status as regards payment of the said amount. The Court expects that if such amount has not been paid so far, the same must be paid to the petitioner within a period of three months from the date of receipt/production of a copy of this order.

From the counter affidavit, it appears that the amount of leave salary has been adjusted by the Bank against the amount which the petitioner's husband had allegedly defalcated. The Bank will consider payment of gratuity to the petitioner, if not already paid and if it is found that the petitioner is entitled to the same, the same shall also be paid to the petitioner within the time aforesaid. No positive order can be passed in the facts and circumstances of the case directing the respondents to make payment.

This writ application is, thus, disposed of with the direction as above.

(Chakradhari Sharan Singh, J)

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