

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16761 of 2011



- =====
1. Most. Sarda Devi Wife of Late Narendra Narayan Yadav
 2. Dinbandhu Kumar Yadav son of Late Narendra Narayan Yadav
 3. Dinesh Kumar Yadav son of Late Narendra Narayan Yadav

All are resident of Village-Khopathi, P.S. and Dist-Madhepura.

.... Petitioner/s

Versus

1. The State Of Bihar through The Chief Secretary, Human Resources Development, (H.Q.) Department, Bihar, Patna.
2. The District Magistrate-Cum-Collector, Madhepura.
3. The Director, Primary Education, Bihar, Patna New Secretariat, Bihar, Patna.
4. The District Programming Education Officer, Madhepura.
5. District Education Officer, Madhepura.
6. The Block Education Officer, Ghalardh, District-Madhepura.

.... Respondent/s

=====

Appearance :

For the Petitioner/s :

For the Respondent/s :

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

12 30-01-2015

Heard learned counsel for the parties.

The original writ petitioner had moved the Court for

a direction to the respondents to pay gratuity and final pension. During pendency of the writ application, the original writ petitioner had died and has been substituted by his heirs.

As per the stand of the respondents in the counter affidavit, since the petitioner had drawn an advance of Rs. 5,83,860/- for construction of school building and after measurement it has been found that work has been completed only for Rs. 3,50,55/-, the petitioner not having accounted for Rs. 2,28,443/-, F.I.R. has also been lodged in the year 2012. The late husband of the petitioner superannuated on 31.05.2005 and the writ petition was filed in the year 2011 whereas the F.I.R. has been registered in the year 2012.

Be that as it may, learned counsel for the State submits that the final pension of the petitioner shall be fixed and from the gratuity after deducting an amount of Rs. 2,28,443/-, the rest shall be paid to him.

In view of the aforesaid, the writ application stands disposed off.

The concerned respondent shall ensure that final pension/family pension of the petitioners is fixed and gratuity also is paid to them after adjustment of an amount of Rs. 2,28,443/-. If the authority finds that the gratuity due to the petitioner is less

than Rs. 2,28,443/-, the difference amount may be adjusted from the arrears of pension which is also required to be paid to the petitioners. Let the same be done within six weeks from the date of receipt/production of a copy of this order before the District Programme Officer (Establishment), Madhepura (respondent no. 4).

(Ahsanuddin Amanullah, J)

Anjani/-

U			
---	--	--	--