

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8393 of 2010

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Basant Kumar Ray, S/O Late Kapil Deo Ray, R/O Village Hakimpur, P.S.
Itarhi, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary cum Commissioner, Water Resources Department, Govt. Of Bihar, Old Secretariat, Patna.
2. The Accountant General, Bihar, Patna.
3. Director, Water Resources Department, Old Secretariat, Patna.
4. Joint Secretary, Water Resources Department, Old Secretariat, Patna.
5. The Secretary, Water Resources Department, Jharkhand, Ranchi.
6. The Executive Engineer, Punasi Bandh Pramandal, Jasidih, Deoghar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Suresh Roy, Sr. Advocate.
Mr. Binod Kumar Singh, Advocate.

For the State of Bihar : Mr. S.Arshad Alam, Advocate.

For the State of Jhkd : Mr. N.N.Ojha, Advocate

For the AG : Mr. J.P.Karn, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

13 04-05-2015

Heard learned counsel for the parties.

2. The prayer of the petitioner in this writ application is for making payment of arrears of pension, gratuity, leave encashment, G.P.F. and Group Insurance of late Kapil Deo Ray, who had retired from service on 31.01.1989 while holding the post of Executive Engineer in Water Resources Department.

3. Mr. Suresh Roy, learned senior counsel appearing on behalf of the petitioner, has pointed out that despite the order of this Court dated 15.01.2015, the petitioner has not been paid the

amount of retirement benefit of his father.

4. Learned counsel appearing on behalf of the State of Bihar has produced before this Court the order of sanction of the retirement benefit of the father of petitioner dated 23.01.2015. The learned counsel of the Accountant General has also produced the authority slip dated 30.01.2015, which would go to show that the Treasury Officer of Buxar was directed to pay the 50% of the amount of retirement benefit of the father of the petitioner amongst the two other heirs of late Kapil Deo Ray, namely, one son and one daughter, who had not appeared before the competent authority of Water Resources Department for staking their claim of payment of rest 50%. Mr. Roy, in reply, submits that even this 50% amount allegedly sanctioned and authorized by the Accountant General has not been paid to the petitioner.

5. In the considered opinion of this Court, whatever may have been the history of the father of the petitioner, who, surprisingly for a period of 21 years, did not come out to claim his retirement benefits, now when the officials of the Water Resources Department as also the office of the Accountant General have taken a decision to sanction and authorize the payment of retirement benefit of the father of the petitioner, the same should have been paid to the petitioner in terms of order of Accountant



General. The only answer from the respondents that may be because the petitioner has not appeared before the Treasury Officer to claim such payment, the same has remained unpaid is also sought to be explained by Mr. Roy that the petitioner was not even made aware of the sanction and/or authorization of 50% pension.

6. Be that as it may, this Court would direct the Treasury Officer, Buxar to ensure that whatever amount of pension and other retirement benefits of late Kapil Deo Ray has been sanctioned by the State Government and authorized by the office of the Accountant General in the name of the petitioner must be paid to the petitioner after observing the necessary formalities within a period of one month from the date of receipt of a copy of this order.

7. As with regard to payment of remaining 50% of the retirement benefit of Late Kapil Deo Ray, the same shall also be sanctioned and authorized in the same manner, as was done in the case of the petitioner, upon appearance of other legal heirs and representatives of the late Kapil Deo Ray before the competent authority of Water Resources Department.

8. It goes without saying that after the authorization and sanction order issued for remaining 50% of the retirement

benefit of Late Kapil Deo Ray, the same shall also be authorised in the same manner, as was done in the case of the petitioner, whereafter its payment shall be also ensured by the Treasury Officer in favour of the concerned legal heirs and representatives of Late Kapil Deo Ray.

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

(Mihir Kumar Jha, J)

Sujit/-

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