IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5486 of 2015

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Sushila Devi wife of late Hardeo Ram, resident of village-Rampur Asurar, P.S.- Bhaganpur, P.O. Bitauli, District- Vaishali.

.... Petitioner

Versus

1. The State of Bihar through Principal, Secretary, Revenue and Land Reform Department, Government of Bihar, Patna.
2. The Director, Department of Consolidation, Bihar, Patna.
3. The Deputy Director Department of Consolidation, Hajipur, District-Vaishali.
4. The District Provident Fund Officer, Vaishali, District- Vaishali.
5. The Accountant General, Office of the Accountant General (A & E), Bihar, Patna

.... Respondents

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Appearance :
For the Petitioner/s : Mr. Rajeev Ranjan, Adv.
For the Respondent/s : Mr. Dev Kumar Pandey, AC to GP6

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 25-06-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner in this writ application filed on 7.4.2015 had projected a picture that nothing on the head of any of the retirement benefit of her husband, a Driver, who had also died on 19.10.2012 after his retirement on 31.1.2012, was paid but the authorities having filed the counter affidavit and supplementary counter affidavit have explained that most of the retirement benefit has already been paid, this Court would find that the petitioner had definitely made an incorrect statement.

In this regard the stand of the respondents in paragraph no.6 of the supplementary counter affidavit needs to be noticed which reads as follows:

> "6. That it is submitted that the petitioner has been paid following amount in respect of retiral dues are:-
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> (a) The Gratuity was paid vide Bill No.-03/2013-14 amounting Rs.260632.00 (Two lacs sixty thousand six hundred thirty two only) which was submitted in the S.B.I. Bank, Bhagwanpur Branch by deposit slip on 17.4.2013.
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> (b) The Earn Leave Encashment amounting to Rs.97567.09 (Ninety seven thousand five hundred sixty seven only) was paid vide Bill No. 05/2013-14 which was submitted in S.B.I. Bank, Bhagwanpur Branch by deposit slip on 17.4.2013.
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> (c) The Group Insurance amounting Rs.146582.00 (One lac forty six thousand five hundred eighty two only) was paid vide Bill No. 21/2013-14 which was submitted in S.B.I. Bank, Bhagwanpur Branch by deposit slip on 12.8.2013.
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> (d) The find G.P.F. amounting Rs.353507.00 (Three lac fifty three thousand five hundred seven only) was paid vide Bill No. 31/2013-14 which was submitted in S.B.I. Bank, Bhagwanpur Branch by deposit slip on 25.10.2013.
>
> (e) The Provisional Pension amounting Rs.243900.00 (Two lacs forty three thousand nine hundred only) which was submitted in S.B.I. Bank, Bhagwanpur Branch on various dates.
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> Altogether Rs.1102188.00 (Eleven lacs two thousand one hundred eighty eight only) has been paid to the

petitioner.

All the payments have been made through the A/C No. 32658710540 of State Bank of India, Bhagwanpur Branch, Vaishali."

Having regard to the aforementioned averments of the respondents supported by the documents this Court will have no difficulty in holding that the petitioner had made an incorrect statement in this writ application filed on 7.4.2015 that she has not been paid any amount of post retirement benefit of her deceased husband.

As a matter of fact it is only the authorization and the payment of family pension which now remains pending as also is admitted in paragraph no.8 of the supplementary counter affidavit, wherein it has been stated that by letter no. 113 dated 14.5.2015 the Assistant Director (Consolidation), Vaishali, Hajipur has already sent service book alongwith pension fixation paper of the husband of the petitioner for issuance of Pension Payment Order (PPO). As the payment of family pension would also be covered by the said Pension Payment Order, this Court would direct that the office of the Accountant General must take needful action to ensure that the PPO also is issued at the earliest and in any event not beyond a period of two months from the date of receipt of this order so that the arrears and current of family pension/ pension payable to the husband of the petitioner till he was alive can also be made to her in next one month of the issuance of PPO by the office of the Accountant General.

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

(Mihir Kumar Jha, J)

surendra/-

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