IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5778 of 2015

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Balkrishna Mishra Shastri S/o Rudranath Mishra Resident of Village-Kachansma, P.S.- Makhdumpur, district- Jehanabad.

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Human Resources Development Government of Bihar Patna.
2. The Director, Secondary Education, Govt. of Bihar, Patna.
3. The District Education Officer, Gaya.
4. The District Treasury Officer, Jehanabad.
5. The District Treasury Officer, Gaya.
6. The Sub Treasury Officer, Gaya.
7. The Accountant General, Bihar, Virchand Patel Path, Patna.
8. The Assistant Accountant General/Sr. Account Officer, Bihar, Accountant General Officer, Virchand Patel Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar
For the Respondent/s : Ms. Nivedita Nirvikar
For the A.G. : Mr. Uday Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

2 29-06-2015 Learned counsel for the petitioner prays for and is allowed to implead the Accountant General as also Senior Account Officer of the office of the Accountant General, Patna as respondent nos. 7 & 8 respectively.

Having regard to the very limited grievance of the petitioner that despite issuance of Pension Payment Order (P.P.O.) and Gratuity Payment Order (G.P.O.) by the office of the Accountant General way back on 30.4.2013 vide Annexure 1 & 2 to the writ application, the resultant payment to the petitioner of the amount of pension and gratuity has not been made only in view of the objection of the District Treasury Officer, Jehanabad with regard to authenticity of the signature of the senior account officer on P.P.O. and G.P.O. and the fact that such objection has also been already answered while verifying the signature of the senior account officer by the office of the Accountant General on 7.8.2013, this Court would direct the Treasury Officer, Jehanabad to ensure that if the payment of pension and gratuity of the petitioner has not been made as yet, the same must be made to the petitioner forthwith.

It, however, must be kept in mind that such allegation of non-payment of the amount of pension and gratuity to the petitioner was of the month of September, 2013, inasmuch as, the writ application was affidavited by the petitioner on that date and, therefore, the writ application has been filed on 13.4.2015, the Treasury Officer, Jehanabad must take into account the development which has taken place after 7th of August, 2013 when the objection as with regard to authenticity of signature on the P.P.O. and G.P.O. by the office of the Accountant General were already answered. In other words, if the petitioner has not been paid his pension and gratuity as yet despite issuance of P.P.O. and G.P.O. already verified by the office of the Accountant

General, the payment of arrear and current pension as also the gratuity must be made in accordance with law by the Treasury Officer, Jehanabad within a period of one month from the date of receipt/production of a copy of this order and if there be any further justified reason for such non-payment, the same also must be communicated to the petitioner within the same period of one month from the date of receipt of this order.

It, however, goes without saying that if there is no objection and it is only on account of the inaction on the part of the Treasury Officer, which has deprived the petitioner from getting his amount of pension and gratuity, its payment must be made to the petitioner forthwith and in no event beyond a period of one month from the date of receipt of this order by him.

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

(Mihir Kumar Jha, J)

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