IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4915 of 2015

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Rekha Devi wife of Late Dina Nath Prasad resident of Kharanja Road, Sinha Model High School, State Boring, P.S.- Danapur, District- Patna.

.... Petitioner/s

Versus

1. Uttar Bihar Gramin Bank through its Chairman, Head Office- Kalambagh chowk, MUzaffarpur.
2. The Chairman, Uttar Gramin Bank, Head Office- Kalambagh chowk, MUzaffarpur.
3. The General Manager (Retirement Benefit), Uttar Gramin Bank, Head Office- Kalambagh chowk, MUzaffarpur.
4. The Regional Manager, Uttar Bihar Gramin Bank, Gopalganj.
5.Employee Provident Fund Officer, Employee Provident Fund Organisation, Surya Complex, Laxmi Chowk, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Adv
For the Bank : Mr. Prabhakar Jha, Adv
For the E.P.F, : Mr. Sarvdeo Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

2 16-04-2015 Heard learned counsel for the parties.

The petitioner being the widow of Late Dinanath Prasad, an employee of Uttar Bihar Gramin Bank (hereinafter referred to as the Bank) has a grievance that none of the retirement benefits namely, amount of Provident Fund, gratuity and amount of leave encashment payable to her husband has not been paid to her as yet. As with regard to payment of Provident Fund, Mr. Sarvdeo Singh, learned counsel appearing on behalf of respondent no. 5, Employee Provident Fund Officer, Muzaffarpur, has submitted that since the petitioner has submitted her demand in the wrong form for payment of the admissible amount of Provident Fund, she was advised to furnish fresh correct form and that has been made available by the petitioner. He explains that whatever amount is admissible and payable to the petitioner under the head of Provident Fund shall be paid within a period of one month from today.

As with regard to payment of gratuity and amount of leave encashment payable by the authorities of the Bank, learned counsel for the Bank has submitted that internal correspondence had been made as with regard to financial loss sustained by the Bank on account of misconduct/inaction on the part of the husband of the petitioner and that has to be looked into. In this regard, he has referred to the bank's letter contained in Annexure-2, wherein, the petitioner was also asked to file a show cause reply as to why the loss sustained by the Bank should not be recovered from the death cum retirement benefit of her husband.

Learned counsel for the petitioner submits that it is really strange that the widow is now being asked to submit her show cause reply as with regard to the alleged misconduct/inaction on the part of the husband of the petitioner, who as noted above had died in harness on 07.03.2011. He further submits that the Bank has made no payment till now on the head of death cum retirement benefit including the amount of gratuity and leave encashment.

In the considered opinion of this Court, the authorities of the Bank has taken wholly unjustified approach in dealing with the issue of payment of retirement benefit of the husband of the petitioner. In all fairness, the authorities of the Bank ought to have made payment keeping in view that the death of the husband of the petitioner had taken place some four years back on 07.03.2011. That apart from the letter of the Bank dated 30.05.2014, contemplating a show cause notice to the petitioner, this again is not more clear as to what amount of quantified loss was sustained by the Bank. Whatever picture has been projected either in Annexure-2 or its Annexures containing the details of the irregularities committed by the husband of the petitioner, cannot be said to be quantified amount of loss. Be that as it may, if in the lifetime of the husband of the petitioner, no such concluded amount of loss was quantified and demanded from him, the petitioner being widow cannot be in a position to explain them.

Taking all these aspects into consideration, this Court would direct that the authorities of the Bank should also make payment of the admissible amount of gratuity and leave encashment to the petitioner within a period of two month from the date of receipt of this order. While doing so, the authorities of the Bank would definitely be entitled to adjust any amount of loan taken by the husband of the petitioner and also furnish the detail of calculation and pay the amount after making such deduction.

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

(Mihir Kumar Jha, J)

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