

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4535 of 2015

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Geeta Devi w/o Late Radheshyam Paswan resident of Village - Mehda Shahpur,
Police Station - Cheriya Bariarpur, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of General Administration, Govt. of Bihar, Patna.
3. The Additional Secretary, Department of General Administration, Govt. of Bihar, Patna.
4. The Joint Secretary, Department of General Administration, Govt. of Bihar, Patna.
5. The District Magistrate, Madhepura.
6. The Block Development Officer, Kumar Khand, Madhepura.
7. The District Provident Officer, Madhepura.
8. The Director, Provident Fund, Provident Fund Directorate, Patna Bhawan, Patna.
9. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar Sharma, Adv.
For the State : Mr. Praveen Kumar, AC to GP22
For the A.G. Bihar : Mr. Satyendra Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 03-04-2015

Heard learned counsel for the parties.

The widow of late Radheyshyam Paswam, who was an officer of the Bihar Administrative Services, has approached this Court for a direction for payment of family pension, gratuity, provident fund, leave encashment and group insurance on the ground that despite her husband had retired on 31.7.2009 and also died on 5.7.2014, nothing was paid either in the life time of her husband or



even thereafter. In this regard, he has invited attention to the communication of the Joint Secretary to the State Government in General Administration Department dated 16.6.2014, whereby and whereunder, the husband of the petitioner was asked to submit his pension papers as also final withdrawal application for payment of amount of G.P.F. Learned counsel for the petitioner has submitted that the widow petitioner is not aware as to whether her husband had submitted his pension papers and the application for final withdrawal of the amount of G.P.F. but, then, after her husband had died, she found it impossible to support herself in getting the payment of retiral benefit of her husband.

From the pleadings in the writ application, it appears that the husband of the petitioner had a chequered career. It also appears that a departmental proceeding was pending against him and the husband of the petitioner was placed under suspension. Such order of suspension of the departmental proceeding was made subject matter of CWJC No. 6357 of 2008 which was disposed of on 1.7.2008. The order, disposing of the writ application, however, is also not on record. The petitioner herself however has submitted that till the date of the death of her husband i.e. 5.7.2014 as provided in terms of Rule 43(b) of the Bihar Pension Rules was pending against her husband. In that view of the matter, this Court would find it difficult to issue any

direction to the respondent to make payment of the amount of retirement benefit of her husband unless the formalities as prescribed is fulfilled by the petitioner.

This Court would, accordingly, direct the petitioner to approach the Principal Secretary of the General Administration Department and in case she does so, the competent authority shall take a decision for payment of such retirement benefit of late RRadheyshyam Paswan as is permissible in law. This exercise, however, must be completed by all concerned within a period of four months from the date of receipt of this order along with a representation of the petitioner and, in the event, the State Government sanction the amount of pension and gratuity, the same should be sent for its being authorized by the Accountant General so that its payment, both arrear and current, as admissible in law, is made to the widow petitioner within two months from the date of sanction letter sent by the State Government to the office of the Accountant General.

As with regard to the claim of leave encashment, the competent authority will have to first found out as to whether any leave was admissible and encashable and if it is found that the leave encashment is also payable to the petitioner, its payment should also be made to the widow petitioner within the same period of four

months.

As with regard to payment of amount of G.P.F., the District Provident Fund Officer, Madhepura shall do the needful and get the formalities completed by the petitioner and also make payment of the amount of provident fund of late Radheyshyam Paswan as per G.P.F. Rules within the same period of four months from the date of receipt of this order.

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

(Mihir Kumar Jha, J)

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