

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 484 of 2009

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Most. Kiran Devi, Wife of Late Dayal Jee Sahay, residing at Village+ P.O.-Belaur,
P.S. Udayantnagar, District- Bhojpur but presently residing at New Sheetal Tola,
P.S. Navada (Ara), District-Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Science and Technology Department,
Science and Technology Bhawan, New Secretariat, Government of Bihar,
Patna.
2. The Director, Science and Technology Department, Bihar, Patna.
3. The Principal, Government Polytechnic, Gulzarbagh, Patna-7.
4. The Accountant General, Bihar, Birchand Patel Path, Patna.
5. The District Treasury Officer, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Sinha, Advocate.
For the State	:	Mr. Ram Subhas Singh, A.C. to A.A.G. 15
For the A.G. Bihar	:	Mr. S. M. Ehtesham, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 27-08-2015

Heard learned counsel for the parties.

Supplementary counter affidavit has been filed on behalf of respondents no. 1 and 2 in which the order passed on the appeal in the departmental proceeding against the late husband of the petitioner has been brought on record. The said order is dated 21.08.2015 by which the original order passed by the disciplinary authority has been modified and it has been ordered that the family pension should be paid and further with regard to the deductions made, it should be recalculated as charge no. 1 has not been found to be true.

Learned counsel for the petitioner submits that besides directing for immediate payment of the pensionary and

other benefits in terms of the appellate order, the petitioner be also granted interest on the GPF since the authority for the same was issued on 14.08.2008 but the cheque was issued in favour of the petitioner only on 02.07.2010.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, this Court finds that the delay of almost two years in payment of the GPF to the petitioner cannot be justified and thus it is directed that the petitioner be paid statutory interest on GPF for the period 14.08.2008 to 02.07.2010, and pensionary and other benefits in terms of the appellate order dated 21.08.2015 within four weeks from the date of production of a copy of this order before the respondents no. 2 and 5.

The application stands disposed off in the aforementioned terms with liberty to the petitioner that if so advised, she may take appropriate steps with regard to the appellate order dated 21.08.2015. The respondents should be mindful to pay the admissible statutory interest on gratuity, as may be applicable, in accordance with law.

(Ahsanuddin Amanullah, J.)

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