IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12956 of 2014

==

Pitambar Prasad Yadav, son of Late Agnu Roy, resident of village- Farhada, P.O. and P.S.- Dighwara, District- Saran

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, State of Bihar, Patna
2. The Secretary, Human Resources Development, Bihar, Patna
3. The Director, Primary Education Department, Bihar, Patna
4. The District Education Superintendent, Chapra, Bihar, Patna
5. The A.G., Bihar, Patna.
6. The Secretary Finance Deptt. Old Secretariat, Govt. of Bihar, Patna.
7. The D.E.O., Chapra.

.... Respondent/s

==

Appearance :

For the Petitioner/s : Mr. Bishwa Nath Upadhyay, Adv.
For the State : Mr. Rajesh Kumar, AC to GP-28
For the A.G., Bihar : Mr. Satyendra Kumar Jha, Adv.

==

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

2 03-04-2015 The grievance of the petitioner in this writ application is confined to non-payment of two of the retirement benefits namely gratuity and commuted value of pension.

Learned counsel for the petitioner has drawn attention to the Pension Payment Order issued by the office of the Accountant General which not only authorized the petitioner to receive the monthly pension of Rs. 11,480/- per month but also commuted value of pension to the tune of Rs. 4,51,522/- and Rs. 6,25,086/- and Death Cum Retirement Gratuity (D.R.G.C.)

According to him, after its being authorized by the office of the Accountant General, there was no justification for non-payment of the commuted value of pension and D.R.G.C.

In view of the admitted payment as shown in the Pension

Payment Order which includes also the amount of gratuity and commuted value of pension, this Court would direct the Treasury Officer, Chapra to ensure that unless the aforesaid Pension Payment Order dated 1.8.2012 has been subsequently revised or modified, the payment of the commuted value of pension of Rs. 4,51,522/- and the amount of gratuity to the tune of Rs. 6,25,086/- must be paid to the petitioner within a period of one month from the date of receipt of this order.

If the Treasury Officer, however, finds that any amount of gratuity or commuted value has already been paid to the petitioner, he would be at liberty to deduct the aforesaid amount and also furnish such details of the calculation to the petitioner. On the other hand, if for any justified reason, the Treasury Officer, Chapra finds that the petitioner despite P.P.O. order dated 1.8.2012 is not entitled for payment of amount of gratuity and commuted value, reason thereof also must be communicated to the petitioner within the same period of one month from the date of receipt of this order.

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

(Mihir Kumar Jha, J)

Rishi/-

U			