

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.583 of 2015

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Ramjanam Prasad Son of Late Baleshwar Ram Resident of village - Bhane
Bigha, Police Station - Makhdumpur, District - Jehanabad

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, Patna through its Chairman
2. The Chairman, Bihar State Electricity Board, Patna
3. The Secretary, Bihar State Electricity Board, Patna
4. The Deputy Director of Accounts (Hd. Qr.), Bihar State Electricity Board, Patna
5. The Senior Manager of Finance and Account (Head Quarter), South Bihar Power Distribution Company Ltd. Patna
6. The Deputy Director of Accounts, Magadh Electric Supply, Gaya
7. The Electrical Superintending Engineer/Account officer, Electrical Supply Circle, Gaya
8. The Electrical Executive Engineer, Electric Supply Division, Jehanabad
9. The D.D.A./MESA, Gaya (Drawing Disbursing Authority) Magadh Electric Supply Area, Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Advocate.

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 16-02-2015 Learned counsel for the petitioner. No one appears on
bealf of the respondents.

2. The prayer of the petitioner in this writ application
reads as follows:

"1.(i) For issuance of a writ in the nature of Mandamus or any other appropriate writ for commanding the respondent authorities to pay the remaining amount of Rs. 528048.00 as Death cum retirement Gratuity to his father namely late Baleshwar Ram alongwith admissible interest w.e.f. 13.04.2012 to the petitioner in view of Memo No. 3161 dated 13.04.2012 issued by the Dy. Director of Accounts, Magadh Electric Supply, Gaya.

(ii) For issuance of a writ in the nature of mandamus or any other appropriate writ commanding the respondents to pay the amount of PRC to the petitioner

along with the interest over it."

3. At the outset, it must be made clear that the petitioner will not be entitled for any direction in respect of any amount of pay, as claimed in paragraph no. 1(ii) of this writ application, for a simple reason that this writ application has to be confined to the retirement benefit alone.

4. As with regard to the solitary retirement benefit claimed in this writ application, being the amount of Gratuity for which necessary payment order was issued in 13.04.2012 vide Annexure-1 to the writ application, this Court would find it difficult to allow the petitioner to go without payment for the period of nearly three years.

5. As noted above, no one has appeared on behalf of the respondents despite service of copy on the learned counsel for the respondents. In that view of the matter, this Court would direct the concerned respondents to ensure that the payment of amount of Gratuity, as per the Gratuity payment order dated 13.04.2012, must be made to the petitioner within a period of one month from the date of receipt of a copy of this order.

6. It, however, goes without saying that if the respondents have not made payment of amount of Gratuity to anyone else also retiring after the petitioner, such payment to the

petitioner will be made strictly as per the date of retirement but then the liability of payment of interest as fixed by the State i.e. @ 5% per annum of the admissible amount shall be also incurred by the Respondents and the payment of the amount of Gratuity to the petitioner shall be made to him along with interest @ 5% per annum from the date of his retirement to the date of actual payment.

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

Sujit/-

(Mihir Kumar Jha, J)

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