

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4586 of 2014

Surendra Prasad Singh Son Of Late Ram Sagar Singh Resident Of Village - Naw  
Kadha, P.S. Maker, P.O. Basantpur Bangala, District - Saran

.... .... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Education Department, Bihar,  
Patna
2. Director, Primary Education, Bihar, Patna
3. District Education Officer, District - Vaishali
4. Block Education Officer, Mahua, District - Vaishali

.... .... Respondent/s

**Appearance :**

For the Petitioner/s : None

For the Respondent/s : Mr. P.K. Verma, AAG-5

**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**

ORAL JUDGMENT

**Date: 07-04-2015**

No one appears for the petitioner. Learned counsel for the  
State is, however, present and as with regard to the following prayer  
in this writ application:-

"1. That this writ application is being filed for issuance  
of appropriate writ, order or direction to the  
respondents for payment of post retirement dues of  
the petitioner as indicated in Paragraph No.3 of the  
writ petition along with interest at the rate of 10 per  
cent per annum from the date it became due and up to  
the actual date of payment."

has submitted that in view of the averments made by the petitioner in  
the writ application and specially the enclosed documents for the  
Pension Payment Order, Death cum Retirement Gratuity Payment  
Order and an Order of Commutation issued by the office of the



Accountant General, nothing is required to be done by the officials of the State, inasmuch as, such payment has to be claimed by the petitioner from the treasury officer, Chapra in view of the authorization made by the office of the Accountant General.

The only answer that the learned counsel for the State having not filed counter affidavit cannot find from the writ application filed on 28.2.2014 is as to why the amount of GPF and leave encashment has not been paid to him.

The absence of the learned counsel for the petitioner and that the fact that the writ application was filed on 28.2.2014 soon after the issuance of the authorization by the office of the Accountant General which itself directed the petitioner to appear in person for getting the sanctioned and authorized amount from the District Treasury would be suggestive of the fact that the petitioner now has been paid the retirement benefit already sanctioned and authorized by the office of the Accountant General as contained in Annexure-1 Series to this writ application.

Nonetheless, this Court would direct the Treasury Officer, Chapra to ensure that if such an amount of pension, gratuity and commutation amount has not been paid to the petitioner till date, the same must be made within a period of one month from fulfilling the formality by the petitioner as indicated in the communication of the

Accountant General.

Revering back to the issue of non-payment of amount of provident fund, leave encashment and group insurance which have been wrongly described as life insurance amount in paragraph no.3 of the writ petition, this Court would also direct the competent authority of the State Government including the District Provident Fund Officer, Vaishali to ensure that whatever amount is admissible and payable to the petitioner on the head of GPF, Group Insurance and Leave Encashment must be made to the petitioner, if not already made by now, within the same period of one month from the date of receipt/production of a copy of this order.

Before parting with, this Court must make it clear that it has not gone into the claim of the petitioner in respect of payment of subsistence allowance or dues of salary, which are not the post retirement benefit under which subject and group assigned by the petitioner this application has been filed nor covered by the roster allocated to this Court.

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

**(Mihir Kumar Jha, J)**

Rishi/-

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