IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7391 of 2006

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1. VIJAY KUMAR SINGH son of Late Hulas Singh, resident of village- Pipardaha, P.S.- Paliganj, District- Patna

.... Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Secretary, Health Services, Government of Bihar, Patna
3. Director in Chief, Health Services, Government of Bihar
4. Registrar, Health Services, Government of Bihar
5. Accountant General, Bihar, Patna
6. District Provident Fund Officer, Patna

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Manish Kumar 2
For the State : Mr. Sanjay Kumar, AC to AAG 6
For Accountant General : Mr. Kumar Priya Ranjan

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

14 19-07-2016 Heard learned Counsel for the parties concerned.

A supplementary affidavit has been filed on behalf of respondent no. 3, stating therein that all post retiral dues, admittedly, payable to the petitioner, consequent upon the death of his father and mother, have been paid.

The petitioner's father, Late Hulas Singh, retired while working as Peon under the Health Department with effect from 30.06.1995. He died in the year 1997. The wife of the deceased employee also died in the year 2000. The petitioner is son of the deceased employee and in the present writ application, he has sought for a direction to the respondents to pay death –cum- post retiral dues, which have remained unpaid, consequent upon the death of his father and mother.

The supplementary affidavit, as has been indicated above, contains the details of payments against various heads made to the wife of the deceased employee and to the present petitioner.

It seems that after the father of the petitioner died in the year 1997, family pension was sanctioned in favour of his widow. However, the arrears of pension from the date of retirement of the deceased employee till the date of his death was, admittedly, not paid to him.

In an affidavit filed on behalf of the Treasury Officer, Danapur, it has been stated that the said arrears to the tune of Rs. 30,034/- has been paid to the petitioner in the year 2016. However, there is no cogent explanation as to why this amount was not paid when the deceased employee was alive or till the widow died in the year 2000.

Learned Counsel for the petitioner appears to be right in his submission that the petitioner is entitled to some interest because of the delayed payment.

I, accordingly, hold, in the facts and

circumstances of the case, that the petitioner shall be entitle to interest @ 8 per cent per annum from the date the said amount became due till the date of its actual payment.

The Director-in-Chief, Health Services, Government of Bihar, who is personally present, pursuant to this Court's order, dated 18.07.2016, is directed to ensure that necessary sanction order in this regard is issued and authority slip for payment of pension is issued by the Office of the Accountant General within a period of two months from today.

As regard General Provident Fund amount, a detailed calculation chart has been annexed along with the supplementary affidavit filed today. The pension and gratuity payment orders issued by the Accountant General have also been brought on record. The arrears of pension and gratuity, in view of the revision, has also been authorized in favour of the petitioner.

As regards leave encashment, it is the specific plea of the respondent-State of Bihar that the deceased employee had remained absent right from 1985 till the date he attained the age of superannuation and, therefore, he is not entitled for any leave encashment.

In view of the above, no specific order needs to be issued for payment of arrears of death –cum- retiral benefits. It will, however, be open to the petitioner to raise any objection with respect to calculation of these amounts.

It is made clear that the petitioner shall be at liberty to approach the concerned authorities raising any grievance with respect to incorrect calculation of any post retiral dues, within a period of two months from today.

If any grievance in this regard is raised within the period aforesaid, the concerned authorities, including the Director-in-Chief, Health Services, and the concerned District Provident Fund Officer, they shall be obliged to look into the grievance and take a definite decision within a period of two months thereafter.

This writ application is disposed of with the aforesaid observations and directions.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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