IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8008 of 2012

==

1. Prabhawati Gupta W/O Late Hazarilal Gupta R/O Village- Rajpur, P.S.- Kesaria, District- East Champaran (Motihari), Presently Residing At Maya Kutir, Rajendra Nagar Road No.6, Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through Chief Secretary, Govt. Of Bihar, Patna
2. The Accountant General (A&E) Null Bihar, Mahalekhakar Bhawan, Birchand Patel Road, Patna
3. The Principal Secretary Deptt. Of Food And Civil Supplies, Govt. Of Bihar, Patna
4. The District Magistrate, West Champaran, Bettiah
5. The Sub Divisional Officer, Sadar, West Champaran, Bettiah

.... Respondent/s

==

Appearance :
For the Petitioner/s : Mr. Rana Vikram Singh
For the Respondent/s : Mr. R.K.Roy, G.P.18
For Acctt. General : Mr. Ranjan Kumar

==

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

6 18-08-2016 Supplementary counter affidavit has been filed on behalf of the Accountant General (A & E), Bihar, Patna, stating therein that the pension payment order authorizing payment of provisional pension, arrear of pension and family pension has since been issued on 03.08.2016. As regards death-cum-retirement gratuity, statement has been made that the petitioner’s husband was paid provisional gratuity to the tune of Rs. 1, 07,570/- whereas he has been found entitled to sum of Rs. 96773/- against the said head. In that background, no authority slip for payment of gratuity has been issued. It also appears that the petitioner has

been paid a sum of Rs. 73,942/- against General Provident Fund amount.

Learned Counsel appearing on behalf of the petitioner has submitted that rate of pension and amount of gratuity has wrongly been fixed by the respondents by not taking into account, entire service of the petitioner's husband. He has also submitted that it is not explicit from the counter affidavit as to whether statutory interest has been calculated on the General Provident Fund amount towards petitioner's husband.

Since the petitioner's husband retired in the year 1999, and subsequently, died in the year 2009, in the present proceeding, I am not inclined to pass any order or issue any direction to the respondents to make payments of the arrear, as being claimed on behalf of the petitioner.

The Court, however, gives liberty to the petitioner to raise her grievance, with respect to non-calculation of interest on General Provident Fund amount, if the same is found to have not calculated.

It is directed that if the petitioner raises her grievance, with respect to non-calculation of interest on General Provident Fund amount, before the District Provident Fund Officer, West Champaran within a period of two weeks from today, the same shall be duly considered and the decision must be taken within a period of one month, thereafter.

If the District Provident Fund Officer, West Champaran, arrives at the conclusion that the interest part has not been taken into account by making payments, he shall ensure that the rest of the amount is paid to the petitioner within a period of one month, thereafter.

I observe that if the amount of Rs. 73,942/- was payable to the petitioner, on the date of his superannuation, there cannot be any apparent justification, why the said amount would not have earned statutory interest, from the said date till the date of its actual payment.

This application stands disposed of, with the observation, as above.

(Chakradhari Sharan Singh, J.)

Amit/-

U			