

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17228 of 2014

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1. Most. Siya Devi wife of Late Jalodrig Singh resident of village - Baruari (Kajna), Post - Loukha, District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through the Director, Health Services, Govt. of Bihar, Patna.
2. The Secretary, Health Services, Govt. of Bihar, Patna.
3. The Civil Surgeon-cum-chief Medical Officer, Bhagalpur.
4. The Civil Surgeon-cum-Chief Medical Officer, Banka.
5. The Medical Officer, Rajaun, District - Banka.
6. The Provident Fund Officer, Banka.
7. The Accountant General, Bihar, Birchand Patel Path, Patna - 1.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nand Gopal Mishra

For the Respondent/s : Mr. Sunil Kr. Mandal, SC-24

For Accountant General: Mr. Ram Yash Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 21-07-2016

Heard learned counsel for the parties.

The petitioner is widow of late Jalodrig Singh, who retired as *Male Health Worker*, with effect from 31.01.1983, while serving in Rajauni Block of Bhagalpur District.

It is the claim of the petitioner in the present writ application filed on 26.09.2014 that the General Provident amount which the petitioner's husband was entitled to receive on the date of his retirement in the year 1983 was not paid to him during his life time nor has been paid to the petitioner after his death in the year 2003.

A counter affidavit has been filed on behalf of the



Accountant General, Bihar, Patna, bringing on record a communication made by the said office, dated 04.12.2014 to the Incharge Medical Officer, Rajouni Block, Banka to examine the case of the petitioner. The said communication, however, does not refer to the petitioner's grievance with respect to payment of G.P.F.

A grievance has also been raised with respect to revision of pension and payment of 10% of remaining gratuity as according to the petitioner only 90% provisional pension was paid to the petitioner's husband. The petitioner is receiving her family pension.

After passage of 31 years from the date of superannuation of the employee, it is very difficult for this Court to pass any positive direction for payment of any dues to the petitioner. For the entitlements admissible to the employee as on the date of his retirement in the year 1983, he could have taken steps during his life time, i.e., till he died in the year 2003.

However, in the facts and circumstances of the case, the Civil Surgeon-cum-Chief Medical Officer, Banka is directed to look into the grievance of the petitioner personally with respect to withholding of 10% of the gratuity amount and payment of provident fund amount, if the same has remained unpaid so far.

This disposes of the application.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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