IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15960 of 2015

==

Karuna Kumari, D/o Late Jaynandan Yadav, resident of Village- Kamata, P.S.- Parasi, District- Arwal.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue Department, Government of Bihar, Patna.
2. The Collector, Gaya, District- Gaya.
3. The Sub-Divisional Officer, Sub-Division- Sherghati, District- Gaya.
4. The Sub-Divisional Treasury Officer, Sub-Division, Sherghati, District- Gaya.
5. The Block Development Officer, Block- Imamganj, District- Gaya.
6. The Accountant General, Bihar, Mahalekhakar, Bhawan, Beer Chand Patel Path, Patna (Bihar).

.... Respondent/s

==

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate
For the State : Mr. Sunil Kumar Singh, AC to SC-27
For the Respondent no. 6 : Ms. Nivedita Nirvikar, Advocate.
(Accountant General)

==

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 20-08-2016

Heard learned counsel for the parties.

The petitioner is aggrieved by non payment of Rs. 2,00,810/- even after having obtained a Succession Certificate with regard to the arrears of pensionary benefits due to her late father.

In view of the materials brought on record, it is clear that the said amount is due to the late father of the petitioner. It is also clear that the authorities having asked for a Succession Certificate, the petitioner after obtaining the same has also submitted it before the authority concerned. From the materials on record, it transpires that an affidavit was filed by the District Magistrate, Gaya before this Court in M.J.C. No. 745 of 2011 in which the following statement has been made at paragraph no. 5.

> "5. That it is humbly stated and submitted that opposite parties have already ensured the payment of family pension of undrawn amount of Rs. 2,00810/- to the petitioner and now it is upto petitioner to receive the same from the treasury. It may be noted that she has been intimated about it vide A.G. letter No. 58 dated 09.04.2010. It is pertinent to note that on account of G.P.F. a sum of Rs. 1,59254/- has already been deposited in the account of the petitioner on 22.02.11 and as such now no amount is due to the petitioner."

Learned counsel for the petitioner submits that despite having approached the Sub Divisional Treasury Officer, Sherghati and serving legal notice on him, the payment has not been made. If what has been submitted is correct, the Sub Divisional Treasury Officer, Sherghati is required to be proceeded against. However, on prayer made by learned counsel for the State, the Court refrains from doing so.

Having considered the matter and taking into account the stand of learned counsel for the respondents that payment shall be made without delay to the petitioner, the writ petition stands disposed off with a direction to the respondent no. 4 to ensure that the amount of Rs. 2,00,810/-, which is lying with him, be credited in the account of the petitioner within two weeks from the date of production of a copy of this order before him.

(Ahsanuddin Amanullah, J)

P. Kumar/-

U			