

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2139 of 2014

=====

Shila Shukla Wife Of Late Kamal Deo Shukla Resident Of Muhalla Bahari
Begampur, P.S. Bye Pass, Districe – Patna Petitioner

Versus

1. The Bihar Sanskrit Shiksha Board , East Boring Canal Road, Patna Through Its Secretary
 2. The Chairman, Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna
 3. The Secretary, Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna
- Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Jha, Advocate ,
Mr. BAM BAHADUR JHA, Advocate and
Mr. S.K. Jha, Advocate

For the Respondent/s : Mr. SATYAM SHIVAM SUNDARAM, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL JUDGMENT

Date: 12-05-2016

The petitioner seeks a direction to the respondents to release full amount of death cum post retiral benefits including full PF/EPF link pension, full amount of gratuity, leave encashment etc. in the revised pay scale applicable with effect from 1.1.2006 after granting benefits of ACP scheme, due to her husband Kamal Deo Shukla, who died on 12.4.2007 while working on Class III post in the Bihar Sanskrit Siksha Board.

Counter affidavit has been filed on behalf of the Board stating that after death of employee, Rs.98,125/- and Rs.3,36,160/- have already been paid to him in 2011 against leave encashment and gratuity. Group Insurance amount of Rs.14,000/- has also been paid to the petitioner on 8.12.2015. In paragraph 12, they state that deduction of the Provident fund has also been forwarded to the

authority. In paragraph 15, respondents state that if the petitioner approaches the board with detail calculation of remaining/admitted dues, the same would be paid to her.

From perusal of the counter affidavit, it appears that there is no mentioning of payment of the GPF amount due to the petitioner. Furthermore, there is no statement whether the retiral benefits have been paid after granting the 2 ACPs to petitioner's husband, as claimed.

As substantial dues have been paid to the petitioner, this writ petition is disposed of with the following directions:-

The respondents would ascertain whether the retiral benefits have been calculated after calculating the ACPs to which the petitioner's husband was entitled. If after examining the claim it is found that any further amount is due to the petitioner, the same would be paid to her within a period of three months. Failure to make payment would carry interest on unpaid amount.

The Board would also take steps for payment of GPF due to her husband within the said period.

The writ petition is thus disposed of.

(Samarendra Pratap Singh, J)

Shashi.

AFR/NAFR	
CAV DATE	NA
Uploading Date	10.6.2016
Transmission Date	10.6.2016