

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.18878 of 2016**

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Smt. Veena Kashyap wife of Late Dr. Chandreshekhar Kashyap, resident of Chairaiyatand, Khas Mahal More, Police Station-Jakkanpur, District-patna

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The Chief Secretary, Bihar State Government, Patna
3. The Principal Secretary, Health Department, Bihar State Government, Patna
4. The Treasury Officer, Bihar, Patna
5. The Principal Secretary, Finance Department, Bihar State Government, Patna
6. The Joint Secretary, Health Department, Bihar State Government, Patna
7. The Superintendent, Patna Medical College & Hospital, Patna
8. The Director, Provident Fund Directorate, Patna
9. The District Provident Fund Officer, Patna
10. The Accountant General, Bihar, Patna

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajeev Kumar Singh, Advocate  
: Mr. Gyan Shankar, Advocate  
For the State : Mr. Shashi Shekhar Kr. Prasad, Advocate, A.C.  
to PAAG-2  
For the Accountant General : Mr. L.P.K. Rajgrihar, Standing Counsel.

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

**ORAL JUDGMENT**

**Date: 06-03-2017**

By way of the present writ application the petitioner has  
prayed for following reliefs:-

“(i) Fixation and payment of Family Pension to the  
petitioner as per entitlement.

(ii) Full Payment of Gratuity payable to the  
deceased husband of the petitioner wherein  
no single paise has been paid to the petitioner  
till date.

(iii) Full payment of Provident Fund amount  
appertaining to the deceased husband of



petitioner along with statutory interest.

- (iv) Full payment of Group Insurance amount of the deceased husband of the petitioner along with penal interest.”

2. It is submitted by the learned counsel for the petitioner that the husband of the petitioner, who was as Assistant Professor, Neuro Surgery Department, Patna Medical College and Hospital, Patna (for short ‘PMCH, Patna) died in harness on 21<sup>st</sup> January, 2016. He was appointed as a Medical Officer in 1983 and joined his service as M.O. Chanhoo Block, Ranchi in the State of Bihar (Now in Jharkhand). Subsequently, he was posted as Registrar, Neuro Surgery Department, PMCH, Patna on 31<sup>st</sup> December, 1990 and remained on the same post till 06.06.1997. Thereafter, he was posted as Senior Resident Neuro Surgery Department, PMCH, Patna. After being permanent in Bihar Medical Teaching Services Cadre, vide notification of Health Department dated 10.03.2006, he was subsequently appointed as Assistant Professor, Neuro Surgery Department, PMCH, Patna vide notification dated 20.05.2008. While he was posted as such, he died on 21<sup>st</sup> January, 2016. He submitted that despite best efforts having been made, the respondents have not paid death-cum-retiral benefits to the petitioner and current family pension is also not being paid to her.

3. Separate counter affidavits have been filed on behalf of



respondent no.4 and respondent no.8 and 9. Referring to the statement made in the counter affidavit filed on behalf of respondent no.4, the Treasury Officer, Patna, it is submitted by the learned counsel for the State that the Accountant General, Bihar, Patna issued authority letter dated 07.02.2017 in respect of gratuity and the same was received in the office of the Treasury Officer, Patna on 10.02.2017. He submitted that after receipt of authority letter issued by the Accountant General, Bihar, Patna, the Treasury Officer, Patna has issued payment order to the State Bank of India, Main Branch, Patna vide letter no.352 dated 15.02.2017. In respect of group insurance, it is submitted that bill of the same has to be submitted by the department concerned from where the deceased employee was drawing his salary. It is submitted that arrear of family pension upto the 31<sup>st</sup> December, 2016 has already been paid to the petitioner and the current payment of family pension is also likely to be made soon.

**4.** Referring to the counter affidavit filed on behalf of respondent no.8 and 9, it is submitted by the learned counsel for the State that on 22.08.2016 final form along with deduction statement for the period June, 2008 to December, 2015 became available to the office of the District Provident Fund Officer, pursuant to which authority letter amounting to Rs.4,75,846/- has already been issued on 15<sup>th</sup> February, 2017. It is submitted that steps are being taken for



payment of remaining provident fund amount by the District Provident Fund Officer by issuing letters to the authority concerned of the places where the petitioner's husband was posted during his service making demand therein for the deduction statement. It is further submitted that steps are being taken in order to redress the grievances of the petitioner without any delay.

5. Learned counsel for the petitioner does not controvert the aforesaid submissions made by the learned counsel for the State. However, he submitted that Rs.1,20,000/- only has been paid to the petitioner under group insurance scheme but the amount paid is not as per the entitlement of the petitioner. He submitted that sanction order of group insurance is defective and steps are to be taken to calculate the entire amount admissible to the petitioner under the group insurance scheme. He submitted that the revised family pension has been paid to the petitioner only upto 31<sup>st</sup> December, 2016 and there is no reason why current family pension is not being paid to her. It is further contended that till date gratuity amount has not been paid to the petitioner despite the fact that the petitioner has already submitted duly filled up application form for release of pension and gratuity. Lastly, it is contended that due to non-payment of regular pension and remaining part of the provident fund amount, the petitioner is facing lot of hardships.



6. I have heard learned counsel for the parties and perused the record.

7. Since there is no controversy regarding entitlement of the petitioner to receive family pension gratuity, provident fund etc., I direct to the respondents to pay gratuity, remaining part of the general provident fund with admissible statutory interest and admissible group insurance amount, if any, to the petitioner without delay, preferably within a period of four months from the date of receipt/production of a copy of this order. I also direct the respondents to pay regular monthly family pension to the petitioner without any delay.

8. With the aforesaid observations and directions, the writ application is disposed of.

**(Ashwani Kumar Singh, J)**

Md.S./-

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