IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10202 of 2014

Smt. Tara Devi, wife of Late Bhupendra Ram, Resident of village- Bakri, P.O.- Dhamsena, P.S.- Sorbazar, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna
2. The Director, Welfare Department, Patna
3. The Finance Commissioner, Bihar, Patna
4. The Deputy Director, Welfare Tirhut Pramandal, Muzaffarpur
5. The Collector Hajipur, Vaishali
6. The District Programme Officer, Hajipur, Vaishali
7. The Child Development Programme Officer, Goraul, Vaishali
8. The Child Development Programme Officer, Belsari, Vaishali
9. The Accountant General, Bihar, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Ms. Mallika Mazumdar, Advocate
For the State : Mr. Ravi Verma, A.C. to G.P.-4
For the Accountant General : Mr. Chaitanya Swaroop, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 30-01-2017

The petitioner’s husband, namely, Bhupendra Ram died on 10th January, 2014 while working as Clerk-cum-Typist in the office of Child Development Project Officer, Goraul, Vaishali. The claim of the petitioner is for payment of death-cum-retiral benefits including family pension, death-cum-retiral gratuity, general provident fund, group insurance and leave encashment.

2. The contention of the petitioner is that though husband of the petitioner died in harness on 10th January, 2014, no death- cum-retiral benefits has been paid to her till date. Even admissible family pension has not been started as yet.

3. A counter affidavit and a supplementary counter affidavit have been filed on behalf of the State. Learned counsel for the State submitted referring to the averments made in the counter affidavit that during the pendency of the application the respondents have already paid leave encashment for three hundred days and provisional gratuity to the petitioner. He contended that so far as payment with regard to provident fund amount and group insurance is concerned, it is in the process and it will be paid after performing the necessary formalities. He further contended that so far as fixation of pension is concerned, necessary formalities are being done and soon after fixation from the Accountant General, Bihar, it will be paid to the petitioner.

4. On the other hand, learned counsel for the Accountant General, Bihar, submitted that the Child Development Project Officer, Goraul, Vaishali has not sent the service book of the husband of the petitioner along with sanction order for family pension and death-cum-retiral gratuity to the Accountant General, Bihar, till date. He submitted that a letter has also been sent to the Child Development Project Officer, Goraul, Vaishali to send service book of the husband of the petitioner vide letter No. PEN 16-9-2143 dated 26.12.2016 and the same has also been intimated to the petitioner. He would contend that on receipt of service book of the husband of the petitioner along with sanction order, pension and death-cum-retiral gratuity would immediately be authorized for payment.

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

6. In view of the submissions made on behalf of the parties, the writ petition is disposed of with a direction to the Child Development Project Officer, Goraul, Vaishali to immediately send the service book of the deceased husband of the petitioner along with sanction order for payment of family pension amount and death-cum-retiral gratuity to the Accountant General, Bihar. The entire exercise in this regard must be completed within four weeks from today. Once the service book of the deceased husband of the petitioner along with the aforesaid sanction order is received by the Accountant General, Bihar, he shall issue authority for payment under the aforesaid head. In any case, the respondents shall ensure payment of admissible dues to the petitioner within a period of eight weeks from today.

7. With the aforesaid observation and direction, the writ application is disposed of.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	…….
Uploading Date	31.1.2017
Transmission Date	