IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9856 of 2012

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Prabha Devi W/O Late Ramanand Jha R/O Vill-Ganauli, P.S.-Andhratharahi, Distt-Madhubani

.... Petitioner/s

Versus

1. The Accountant General Bihar, Patna
2. The Senior Account Officer, Office Of Accountant General Bihar, Patna
3. The State Of Bihar
4. The District Education Officer Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Ray
For the State Mr. Raghwanand, G.A.11
Mr. A.C. to G.A. 11
For the Accountant General Mr. Raghwanand

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 20-07-2017

Heard the counsel for the petitioner, State and the Accountant General.

The petitioner is the widow of Late Ramanand Jha who was working in the Nationalized High Scholl, Phulhar in the district of Katihar. He became traceless on 01.11.1983. The post retiral dues of the employee could not be paid to the petitioner. It is stated that earlier the government has resolved to treat a traceless employee as dead only after expiry of 07 years of his being traceless. Yet by another circular dated 25.09.1998 issued in the Department of Personal and Administrative of the Government it was resolved, considering the hardship(s) faced by the dependants of the employee, that on completion of one year of tracelessness of the government employee, the payment of retiral dues can be made to the eligible dependant. However, it appears in the meanwhile the petitioner and her children applied for issuance of succession certificate in the year 1999 which was granted in their favour on 24.07.2001. In the light of the certificate issued by the competent court, the respondents sanctioned payment of admissible dues in favour of the petitioner. There is no dispute on these facts.

However, it appears that a claim was raised by her before the authority for payment of retiral dues with effect from 01.11.1984. It is submitted by the counsel for the petitioner that the respondents examined the claim of the petitioner and paid the dues between the period 01.11.1984 to 21.08.2001. Relying on a circular of the Finance Department of the Government bearing No. P.C. 2-1-16/79/3155 dated 07.11.1981 it is stated that the petitioner would also be entitled to statutory interest on certain component of the post retiral dues which has not been paid/sanctioned.

The counsel for the State, on the other hand, submitted that if any amount on account of interest is due to the petitioner, the same shall be examined/considered on a representation filed by the petitioner before the District Education Officer, Katihar (respondent no.4).

The counsel for the Accountant General has taken a stand that if any sanction order towards payment of interest is passed and communicated to the Accountant General, appropriate steps shall be taken for authorization thereof.

The writ application stands disposed of by permitting the petitioner to make a detailed representation before respondent no.4 within 04 weeks whereafter the said respondent shall consider/examine the claim of the petitioner and pass appropriate order thereon in accordance with law, as quickly as possible, preferably within 06 weeks from the date of filing/presentation of the application, together with a copy of the present order.

(Kishore Kumar Mandal, J)

HR/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.07.17
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