

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2717 of 2017**

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Braj Kishore Prasad @ Brij Kishor Prasad, Son of Late Lala Munsri Prasad,  
resident of Mohalla, Samir Takiya Durga Asthan, P.S.- Rampur, District-  
Gaya.

.... .... Petitioner.

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Govt. of Bihar,  
Patna.
3. The Secretary, Education Department, Govt. of Bihar, Patna.
4. The Director, Primary Education, Govt. of Bihar, Patna.
5. The District Education Officer, Gaya
6. The District Programme Officer (Establishment), Gaya.
7. The District Treasury Officer, Gaya.
8. The Accountant General, Bihar, Patna.

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Vinod Kumar, Advocate  
For the Respondent/s : Mr. Kameshwar Kumar, GP-17  
For the Accountant General : Mr. Uday Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      20-07-2017      Learned counsel for the petitioner is permitted to  
make necessary correction in the array of party respondents.

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

The claim of the petitioner in the instant case is that  
gratuity, leave encashment and G.P.F. amount of his late wife has  
not been paid, as yet.

The wife of the petitioner superannuated on  
31.12.2006. She died on 19.09.2013 without receiving gratuity,  
leave encashment and G.P.F. amount.



From the averments made in the writ application, it appears that 11 years is not enough for the respondent authorities to finalize the claim of the petitioner's wife with regard to gratuity, leave encashment and G.P.F. amount.

Considering the case to be exceptional one, this Court is constrained to issue direction to respondent nos. 5, 6 and 7 to take immediate steps for payment of gratuity, leave encashment and G.P.F. amount, if not paid, as yet.

If the aforesaid terminal dues are not paid within a period of two months from the date of production/receipt of a copy of this order, then the respondent nos. 5 to 7 shall bear the interest from their own pocket on delayed payment, which shall be at the rate of 9% per annum from the date of superannuation of the wife of the petitioner. The interest will be applicable, if the aforesaid gratuity, leave encashment and G.P.F. amount is not paid within a period of two months.

With the aforesaid observation, the writ application stands disposed of.

**(Anil Kumar Upadhyay, J.)**

Uday/-

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