

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15450 of 2017

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Gayatri Sinha, W/o Late Rameshwar Prasad Sinha, Resident of Gas Godown Road,
Saguna, P.S.- Danapur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
3. The Deputy Commissioner, Commercial Tax, East Circle, Patna City, District- Patna.
4. The District Magistrate, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Treasury Officer, Patna City, District- Patna.
7. The State Bank of India through its Regional Manager, Anta Ghat, Patna.
8. The Branch Manager, State Bank of India, Gulzarbagh, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vipin kumar, Advocate
For the State	:	Mr. Vikash Kumar, SC 11 with Mr. D. K. Verma, AC to SC 11

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 14-11-2017

Heard learned counsel for the petitioner and State.

2. Learned counsel for the petitioner is permitted to correct the serial number of the respondents in the cause title during the course of the day.

3. The petitioner has moved the Court for the following reliefs:

“ i) For direction upon the Respondent authorities to pay the retirement benefit of the petitioner i.e.



Gratuity, leave encashment, provident fund, Group Insurance etc. who has retired on 31.08.2016 from Class-IV post from the office of Commercial Tax Department, Government of Bihar, Patna.

ii) For direction upon the Respondent authorities to fix the pension of the petitioner.

iii) For direction upon the Respondent authority to deposit retiral dues as well as pension amount in petitioner account No. 27630100001799, Bank of Baroda, Kankarbagh Branch, Patna.

iv) For any other relief or reliefs for which the petitioner is found entitled to in the facts and circumstances of this case.”

4. After some arguments, learned counsel for the petitioner submitted that, for the present, the prayer is restricted to a direction to the authorities to at least pay the amount which is admittedly due to the petitioner.

5. The relevant facts of the case are that the son of the petitioner was accused of embezzlement of money and that portion of the money was deposited in the account of the petitioner, for which even she was made an accused in the criminal case and after a short period of imprisonment, she has been enlarged on bail. However, the authorities have frozen her account resulting in the petitioner not being able to draw any money, including what is legally due and in her name.



6. Learned counsel for the petitioner submitted that as the petitioner is entitled to pensionary benefits, at least that amount, which is legally due to her, cannot be stopped and further she requires the same for keeping her alive as she has no other source of income.

7. Learned counsel for the State fairly submitted that if a fresh account is opened by the petitioner and communicated to the authorities concerned, her retiral dues, to the extent admissible, shall be credited into that account without any delay.

8. In view of the aforesaid, the writ petition stands disposed off with a direction the respondent no. 3 to ensure that the retiral benefits which are payable to the petitioner are credited into the account number furnished by her within three weeks from the date of production of a copy of this order before him.

(Ahsanuddin Amanullah, J)

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