

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1225 of 2015

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Asia Khatoon wife of Late Md. Sarfaraz Bagar House, resident of Mohalla-Baradari, P.O. + P.S.- Biharsharif, District-Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Health Services, Government of Bihar, Patna.
3. The Chief Medical Officer-cum-Civil Surgeon, Nalanda at Biharsharif.
4. The Accountant General, Bihar, Patna.
5. The District Magistrate, Nalanda.
6. The Treasury Officer, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binit Kumar, Advocate
For the Accountant General : Mr. Bindhyachal Rai, Advocate
For the State : Mr. Harish Kumar, G.P.-8

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 23-03-2017

Initially the writ application was filed for a direction to the respondents to make payment of death-cum-post retiral benefits to the petitioner. However, subsequently, by filing an interlocutory application vide I.A. No.3461 of 2016 the prayer was confined to quash letter dated 06.10.2015 issued under the signature of the Deputy Secretary, Health Department, Government of Bihar, Patna whereby it has been directed to deduct thirty per cent family pension of the petitioner and withhold whole amount of gratuity of her deceased husband.

2. It is admitted by the learned counsel for the petitioner



that during the pendency of the writ application the petitioner has already received payment under the head general provident fund and group insurance. She is getting seventy per cent family pension since the date of death of her husband i.e., 06.02.2014 who at the time of his death was posted as Incharge Medical Officer, Primary Health Centre, Bind, Nalanda.

3. It would be evident from the record that while in service the petitioner's husband was facing prosecution in a criminal case. However, after his death, the said criminal case got abated.

4. A supplementary counter affidavit has been filed on behalf of respondent nos. 1 and 2 wherein it is stated that necessary sanction order for making payment of unutilized earned leave amount equivalent to 232 days has already been issued. It is further stated that after receiving the certified copy of the order dated 24.02.2015 whereby the criminal proceeding against the petitioner was dropped, the balance amount of thirty per cent pension and entire gratuity has also been sanctioned by the department and necessary communication to that effect has also been made to the Accountant General, Bihar, Patna for verification and authorization of payment of balance amount of pension and gratuity.

5. Learned counsel for the petitioner does not dispute the aforesaid statements made in the counter affidavit. However, he



submitted that since the sanction order has already been issued by the concerned department, the respondent State be directed to pay the amount of gratuity, balance amount of pension and amount of unutilized earned leave.

6. Having regard to the fact that the State has taken cognizance of the grievances of the petitioner and has also taken necessary measures in order to redress those grievances, the writ application is disposed of with a direction to the respondents to release payment of the aforesaid sanctioned amount as early as possible, but in no case later than three months from the date of receipt/production of a copy of the order.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
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