

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.391 of 2016

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Hira Devi, W/o Late Hareram Singh, resident of Maina Gram, P.O.- Maina Gram, P.S- Mahisi, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna.
2. Principal Secretary, Finance, Bihar, Patna.
3. Accountant General, Bihar, Patna.
4. Director Primary Education, Bihar, Patna.
5. Director General Provident Fund, Pant Bhawan, Patna. null null
6. Collector, Madhepura. null null
7. Deputy Director, Education, Kosi Division, Saharsa. null null
8. istrict Programme Officer, Estb. Madhepura. null null
9. District Provident Officer, Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mallika Mazumdar

For the Respondent/s : Mr. Aag15- Yogendra Pd. Sinha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 04-10-2017 Heard learned counsel for the petitioner and the State.

The husband of the petitioner was an Assistant Teacher who died in harness on 30.01.2014.

This writ application has been filed for a direction to the respondents to pay retiral dues in the nature of family pension (leave encashment, group insurance and GPF).

On behalf of the Accountant General, it has been stated that payment order for family pension and gratuity has already been issued in favour of the petitioner way back on 28.12.2015.



So far as payment of Provident Fund, gratuity etc. are concerned, counsel for the petitioner submits that respondents are sitting tight over the matter. They have not paid other lawful death-cum-post- retiral dues admissible to the petitioner. Pension is not a bounty. The Apex court time and again has reiterated that it is a right of the petitioner. We live in welfare State and the State professes social security as its top priority. Various circulars and guidelines have been issued by the State Government to ensure expeditious disposal of death-cum-post-retiral dues but in reality the officers are reluctant towards addressing lawful claim of the retired employee or heirs of retired employee who died in harness. Even in the writ application no counter affidavit is being filed to assist the court and in order to facilitate the State, adjournments are granted. The indifferent attitude of the respondents in the matter of filing counter affidavit in the writ application are causing unnecessary delay in disposal of the writ petition involving death-cum- post-retiral claim, the present writ petition was filed on 7.1.2016 after serving two copies of the writ petition to the office of Advocate General. The counter affidavit was required to be filed by the officers of the State of Bihar but till date no counter affidavit was filed.

Under the compelling circumstances, the court is left



with no option but to dispose of this application with direction to the respondent no.4 i.e. Director, Primary Education, Bihar, Patna to ensure payment of all death-cum- post-retiral dues to the petitioner expeditiously preferably within a period of two months from the date of filing of representation alongwith a copy of this order.

It is made clear that husband of the petitioner expired on 30.01.2014, more than three years have elapsed, if the admitted dues are not paid within a period of two months from the date of filing of such representation, all such lawful dues will carry 9 per cent interest from the date of death of husband of the petitioner till the date of actual payment and such interest shall be borne by the Erring Officers from their own pockets.

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

(Anil Kumar Upadhyay, J)

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