IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13028 of 2015

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Sumitra Devi W/o Late Bhagwan Prasad Yadav Resident of Village Pachpatra, P.O. Mukhrera, P.S. Rivilganj, District Saran.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Personnel and Administrative Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Divisional Commissioner, Saran Division, Chapra.
5. The District Magistrate, Saran at Chapra.
6. The District Panchayati Raj Officer, Chapra.
7. The Block Development Officer, Baniapur, Saran.
8. The Block Development Officer, Ekma, Saran.

.... Respondents

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Appearance :
For the Petitioner/s : Mr. Dr. Alok Kumar Sinha
For the Respondent/s : AC to SC - 9

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 24-07-2017 Heard Dr. Alok Kumar Sinha, learned counsel for the petitioner and learned A.C. to Standing Counsel – 9.

The petitioner, widow of Panchayat Secretary, who died on 08-02-2014, has approached this Court with a prayer to pay all the post-retiral dues i.e. G.P.F., Gratuity, Leave Encashment and Fixation of Family Pension. The petitioner has further prayed for payment of arrears of salary for the period from October, 2007 to February, 2014, difference of pay-scale and A.C.P. with compound interest.

In this case, counter affidavit has been filed on behalf of respondent no. 5, 6 & 7 and in paragraph – 3 and 4, it has been indicated that most of the grievances of the petitioner have already been redressed. So far as payment of due salary for the months of February, 2008, February, 2009 and 01.02.2014 to 08.02.2014, it has been indicated that in absence of income tax statement, same has not been paid, which will be paid after submission of such statement. So far as benefit of A.C.P. is concerned, it has been indicated that a departmental proceeding was pending against the employee, regarding which, it has been stated that decision is likely to be taken very soon. It has also been indicated that family pension of the petitioner has already been fixed and payment has already been started. This fact has been made in paragraph – 8 of the counter affidavit.

Considering the fact that the employee has already left for heavenly abode, there is no question for passing any order on the departmental proceeding and as such, only decision is to be taken to pass order in respect of grant of A.C.P. It has been indicated that by the month of August, 2017, such decision is likely to be taken by the department in its counter affidavit. So far as income tax statement is concerned, the respondents, being employer, are well-advised to act on their own record and settle the claim of the arrears of salary, as indicated in paragraph – 4 of the counter affidavit. The decision in respect of salary, as stated in paragraph – 4 of the counter affidavit, as well as regarding A.C.P. must be taken within a period of two months from the date of receipt/production of a copy of this order. It goes without saying that the petitioner shall be entitled to get all statutory interest.

The writ petition stands disposed of.

(Rakesh Kumar, J.)

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