

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15594 of 2016

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Usha Sinha W/o Late Dr. Baijnath Prasad, At Sundi Bigha, P.O. + P.S.- Ekangar Sarai, District-Nalanda, Bihar

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Animal Resources, Bihar, Patna
2. The Regional Director, Animal Husbandry, Muzaffarpur
3. The Regional Director, Animal & Fish Resources, Bihar, Patna
4. District Magistrate, Sitamarhi
5. District Officer (Veterinary), Sitamarhi
6. District Magistrate, Gaya
7. District Magistrate, Motihari
8. District Magistrate, Patna
9. Veterinary Surgeon, Danapur, Patna
10. Officer In-Charge, Finance Department (Veterinary) Secretariat, Patna
11. The Accountant General, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 31-08-2018

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

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

“That, this writ application is being filed for the issuance of appropriate writ or writs on directions for payment of post retiral benefits on the basis of revised pay scale with interest on delayed payment as husband of this petitioner retired on 31.07.2013 and now expired on 01.11.2015.”



3. From the pleadings on record, it appears that on the basis of the available documents and the last pay drawn by the late husband of the petitioner, all retiral benefits have been calculated and also paid. However, there is a twist, inasmuch as, for almost 12 years prior to his date of superannuation, the late husband of the petitioner appears to have not drawn his salary despite being the Drawing and Disbursing Officer. In such connection, the authorities have now worked out his entitlement which comes to more than Rupees Forty Eight Lakhs. Thus, if the said fact is accepted and amount paid, the calculation of post retiral benefits is also required to be recalculated. On this point, the Court would indicate that the authorities are required to be fully satisfied with regard to the fact as to whether the late husband of the petitioner actually worked on the post and discharged his official duties for only in such case, the salary is payable and not if a person has not worked on the post and has remained absent for whatever reasons. That aspect has not been brought on record but is a vital aspect on which the authorities are required to take a well considered decision based on the records for it involves payment of huge amount from public exchequer.

4. Accordingly, the writ petition having served its purpose, as on the basis of available records payments of retiral dues have been made, stands disposed off. However, the authorities shall



take action in terms of the entitlement of the petitioner once he is found entitled to payment of whatever remains, which would necessitate corresponding recalculation relating to retiral benefits based on such payment. Thus, the petitioner is at liberty to move before the authorities concerned in the matter who shall ensure that his admitted dues are paid keeping in mind the observations made in this order.

5. Learned counsel for the State shall communicate the order to the authorities concerned.

(Ahsanuddin Amanullah, J)

Anjani/-

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