

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6876 of 2017

Harsh Anand Ravi, Son of Late Doctor Rabindra Kumar, resident of Hospital Road Dev Nagar Hilsa, P.O. and P.S. Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. The Director Health Services, Bihar, Patna.
3. The Civil Surgeon- cum-Chef Medical Officer, Nalanda.
4. Incharge Medical Officer, Primary Health Centre, Narhat, Nawada.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh
For the Respondent/s	:	AC to GP 25
For Accountant General	:	Mr. Manish Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 04-12-2018

Heard learned counsels for the parties.

The present writ application has been filed for death-cum-retiral benefits to the petitioner after the death of his father and subsequently his mother also died. The father of the petitioner died in harness on 12.1.2015. Further prayer has also been made for payment of the claim of the petitioner for dynamic ACP from June, 2013. The prayer made in paragraph 1 of the writ application reads as follows:

“i. for issuance of a writ in the nature of mandamus for commanding and directing the respondents to ensure the payment of death-cum-retiral benefits to the petitioner after death of his father Dr. Rabindra Kumar.

ii. For issuance of an appropriate writ for commanding and directing the respondents to provide the benefit of dynamic ACP since June, 2013 to the father of



petitioner (Dr. Rabindra Kumar) who died in harness on 12.01.2015.

iii. For issuance of any other writ which may deem fit and proper to the facts and circumstances of the case.”

The factual matrix of the case, in brief, is that the father of the petitioner was appointed as Medical Officer on 3.11.1990 at Primary Health Centre, Simari Bakhtiyarpur, Saharsa. While being posted at Primary Health Centre, Narhat, Nawada, the father of the petitioner, namely, Dr. Ravindra Kumar, died in harness on 12.1.2015. The widow of the deceased employee, namely, Sushma Kumari also died on 24.8.2016.

It is submitted by learned counsel for the petitioner that vide Notification dated 20.6.2013, the father of the petitioner was granted Ist, IInd and IIIrd dynamic ACP but payments were not made since June, 2013 till his death, i.e. 12.1.2015. The father of the petitioner submitted an application before Respondent No. 3 on 13.11.2013 and thereafter, Respondent No. 3 vide Memo No. 2955 dated 14.11.2013 directed the Incharge, Medical Officer, Narhat, Nawada to ensure payment of arrears and salary of July, 2013. When no action was taken, the father of the petitioner filed another



representation on 4.4.2014 and after the death of his father, the petitioner also filed several representations as contained in Annexure 5 series.

Counter affidavit has been filed on behalf of Accountant General stating therein that authority slip has been issued with regard to payment of pension, however, gratuity has been withheld due to non-submission of no dues certificate. The petitioner has already received payment of GPF amount. However, counter affidavit has been filed on behalf of Respondent Nos. 3 and 4 wherein it has been stated that report was sought for with regard to payment of retiral benefits and other dues and the same has been transmitted. Moreover, with regard to payment of G.P.F., authority letter was issued in the name of wife of deceased employee but since she has also died, the same has to be amended and the same will be paid after necessary amendments. In paragraph 7 of the counter affidavit it is stated with regard to the claim of the petitioner for compassionate appointment that the same will be considered if the application is submitted in prescribed format. Paragraph 7 of the counter affidavit reads as follows:

“That with respect to the statements contained in paragraph no. 15 of the writ application it is



stated that the appointment of the petitioner on compassionate ground will be considered if the application has been filed in prescribed format within time.”

Keeping in view the fact that claim of the petitioner has not been denied by the respondent, moreover, in view of the abovementioned stand of the respondents, this writ application is disposed of directing the respondent authorities to make payment of retiral benefits including arrears within a period of six weeks from the date of receipt/production of a copy of this order in accordance with law.

(Dinesh Kumar Singh, J)

anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

