

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.20736 of 2018**

=====

Kumari Veena Pandey, W/o Ishwar Chandra Upadhyay, resident of Village Haribanspur, Post Office Warispur, District Vaishali, Retired Teacher, Upgraded Middle School, Haribanspur, Block Bhagwanpur, District- Vaishali.  
... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department, Bihar, Patna.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Bihar, Tirhut Division, Muzaffarpur.
5. The District Education Officer, Vaishali.
6. The District Programme Officer Establishment, Vaishali.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr.Binod Kumar, Advocate  
For the Respondent/s : Smt.Binita Singh, SC-28

=====

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL JUDGMENT**

**Date : 02-05-2019**

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

2. Petitioner seeks quashing of letter No. 2587 dated 30.05.2016, as contained in Annexure-6, whereby gratuity payable to the petitioner has been withheld.

3. It has been submitted by the learned counsel for the petitioner that the petitioner had earlier approached this Court along with other similarly situated persons wherein in pursuance to certain funds allocated to the petitioner and others for certain civil works recovery was proposed. He submits that the matter is now no longer *res integra* as in similar matter a Single Judge of this



Court vide judgment dated 16.10.2017 in CWJC No. 499 of 2017 has directed for payment of gratuity duly sanctioned and authorised by the office of the Accountant General.

4. Considering the same, this writ application is disposed of in the light of the judgment dated 16.10.2017, passed in CWJC No. 499 of 2017. The District Programme Officer (Establishment), Vaishali (Respondent No. 6) is directed to make payment of duly authorised and sanctioned gratuity to the petitioner as early as possible not later than three months from the date of receipt/ production of a copy of this order. In case, the Respondent No. 6 fails to pay the gratuity to the petitioner within the aforesaid period of three months, the admissible amount of gratuity would earn interest @ 7 per cent per annum from the date it became due till the date of actual payment. In such case of payment of interest, the State Government shall be at liberty to recover the amount of interest from the officer/ officers responsible for the delay caused in payment of amount of gratuity in accordance with law.

**(Nilu Agrawal, J)**

Rajesh/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 03.05.2019 |
| Transmission Date | NA         |

