

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6462 of 2017

Janar Devi W/o Late Badri Narain Sah, resident of Village Simraha, Ward No. 35, P.S. and District- Saharsa.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, HRDD, Bihar, Patna
2. The Director, Provident Fund, Vishwaswariya Bhawan, Patna.
3. The District Provident Fund Officer, Saharsa.
4. The District Education Officer, Saharsa.
5. The Accountant General A and G Bihar, Birchand Patel Marg, Patna.
6. The Treasury Officer, Saharsa.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Anisur Rahman, Advocate
For the State	:	Mr. Vivek Anand Amritesh, AC to SC-28 Smt. Binita Singh-SC28
For the Accountant General:		Mr. Bindhyachal Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date : 23-06-2020

Heard Mr. Anisur Rahman, learned counsel for the petitioner, Mr. Vivek Anand Amritesh, learned assistant counsel to SC-28 for the State and Mr. Bindhyachal Rai, learned counsel for Accountant General.

2. In the instant writ petition, the petitioner has prayed for a direction to the respondents to pay the entire admitted dues of death-cum-retiral benefits including GPF, gratuity, group insurance, etc.

3. It is contended that the petitioner's husband, namely, late Badri Narain Sah died in harness on 11.09.2010



from the post of clerk while he was posted in the office of the District Education Officer, Saharsa. After his death, the amount of gratuity has not been to the petitioner although an order for payment of gratuity was made vide order dated 26.12.2011. Similarly, amount of GPF has also not been paid to the petitioner.

4. A counter-affidavit has been filed on behalf of respondent no. 4 wherein it is stated that all the admissible dues have already been paid to the petitioner. She is getting her family pension to the tune of Rs.6030/- with effect from 12th September, 2010 through her bank account maintained in the State Bank of India, Main Branch, Saharsa. The amount of gratuity to the tune of Rs.5,77,071/- has also been paid to the petitioner. The amount of GPF has been deposited in the petitioner's account and residual deposit with interest upto 31st May, 2019 amounting to Rs.64927/- has also been paid to the petitioner vide authority memo no. 377 dated 21.06.2019 issued by the District Provident Fund Officer, Saharsa along with Rs.36922/- deposited in the linked insurance scheme. As far as earned leave is concerned, it has been stated that sanctioning memo no.03 dated 06.09.2011 has been issued by the District Programme Officer (Establishment), Saharsa amounting to



Rs.1,06,088/- for 182 days of earned leave due. It has also been contended that since the husband of the petitioner did not pass departmental examination, he was not eligible to get promotion which would be evident from memo no.853 (Ni) dated 05.07.2019.

5. No rejoinder to the counter affidavit has been filed on behalf of the petitioner.

6. Considering the stand taken on behalf of the respondents, the application is disposed of with a direction that the petitioner shall be at liberty to raise her grievance before respondent no. 4, the District Education Officer, Saharsa making representation, if according to her the amount, which has been paid to her is less than what she is actually entitled to. In case, she makes representation within four months from today, the same shall be considered and disposed of by a reasoned order within one month thereafter.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.06.2020
Transmission Date	

