

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10903 of 2019

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Draupadi Devi W/o Late Ramavatar, Pd. Yadav R/o Village- Saini Tola
(Simri) Bakhtiarpur), Ward No.-15, P.O.-P.S.-Simri Bakhtiarpur, District-
Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar, through its Chief Secretary, Bihar, Patna.
2. Principal Secretary, Finance Department, Bihar, Patna.
3. Director, Panchaiti Raj Bihar, Patna.
4. Accountant General, Bihar, Patna.
5. The Commissioner, Kosi Division, Saharsa.
6. The Director, Provident Fund, Pant Bhawan, Patna.
7. Collector, Supaul.
8. District Accounts Officer, Saharsa.
9. Treasury Officer, Supaul.
10. Block Development Officer, Saraiganj, Bhapatiyahi.
11. District Provident officer, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs.Mallika Mazumdar, Advocate
For the Respondent/s : Mr.Anuj Kumar, AC to GP-24

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 17-06-2020 Heard learned counsel for the parties.

The husband of the petitioner retired on attaining age
of superannuation on 31.12.2009 and thereafter he expired on
9.7.2016.

The instant writ petition has been filed by the
petitioner, widow of the deceased employee with the grievance
that GPF, Group Insurance, Leave Encashment, Family pension
and other benefits has not been paid to the petitioner.



On behalf of the respondent Nos. 7,9 and 10, a counter affidavit has been filed in paras-5 and 6 of which following statement has been made:-

“5. That the petitioner’s husband Late Ramautar Prasad Yadav was posted as Panchayat Sewak in the District of Supaul who retired from his service on 31.12.2009. That the following pensionary benefits of the petitioner’s husband which have already been paid are as follows:-

(A) Non-utilized leave amount of Rs. 1,56,210=00 vide Bill No. 15/15-16.

(B) Provisional Service gratuity amount of Rs. 2,25,205=00 vide Bill No. 16/15-16

(C) Group Insurance Amount of Rs. 1,20,791=00 vide Bill No. 17/15-16

(D) The amount of Provisional Pension from the month of January to April 2015 Rs. 6,79,329=00 vide Bill No. 34/15-16

(E) The amount of Provisional Pension from the month of May,2015 to 8.7.2016 Rs. 1,93,610=00 vide Bill No. 17/17-18

(F) General Provident Fund final withdrawal amount Rs. 1,85,641=00 vide Bill No. 50/18-19.”

6. That as regards the family pension of the petitioner, it is submitted that the husband of the petitioner during his life time on 7.5.2015 made a request to Block



Development Officer, Saraigarh-Bhaptiyahi to hand over to him his original service book to which the BDO, Saraigarh-Bhaptiyahi handed over his original service book to him on 8.5.2015 and for which he made an endorsement to his said petition acknowledgin the receipt of his original service boom.”

It is stated counter affidavit in para 6 that the service book of the husband of the petitioner was retained by the husband of the petitioner which does not appeal to reason as after retirement the husband of the petitioner was not the custodian of the service book. The petitioner’s family pension cannot be denied on such suspicious ground.

Accordingly, the writ petition is disposed of with direction to the District Magistrate to cause an enquiry into the matter and see that entire amount of family pension and other dues are paid to the petitioner within a maximum period of 60 days from the date of receipt/production of a copy of this order failing which the petitioner would be entitled to payment of 9% interest from the date of approval of family pension i.e. the date of death of the husband of the petitioner 9.7.2016 till the date of actual payment which shall be realized from the erring officers responsible for disappearance of the service book and non-



finalization of family pension of this petitioner.

With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

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