

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7039 of 2018

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Meena Kumari Wife of Late Surendra Khan, Resident of Mohalla- Krishnagar
Batraha Ward No.22 Mahavir Chowk Saharsa P.O.P.S.District- Saharsa.

... .. Petitioner/s

Versus

1. The Union of India
2. The Secretary, Finance Department, Govt. of India, New Delhi.
3. The General Manager, Uttar Bihar Gramin Bank Head Office Kalambagh Chowk, Muzaffarpur.
4. The Regional Manager, Uttar Bihar Gramin Bank, Saharsa.
5. The Branch Manager, Uttar Bihar Gramin Bank Bargaon Branch, P.S.- Bashahi, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate
For the Respondent/s : Mr. S.D Sanjay Addl. Soc. Gen.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 01-06-2020

The husband of the petitioner died in harness while working on the post of Branch Manager, Bargaon branch of the respondent bank in the district of Saharsa. It appears that there is a liability of approximately Rs. 19 lakhs on the deceased husband of the petitioner. The petitioner has claimed death-cum-retiral benefits including gratuity, ex gratia payment, leave encashment etc. All the retiral dues of the petitioner, according to the counter affidavit has been withheld because of such liability.



The family of the employee cannot be allowed to be reduced to starvation and destitution. If at all the liability incurred by the late employee is to be adjusted, necessary deductions in a staggered manner can be made from the post-retiral dues of the late employee. Complete withholding of such dues would only lead to starvation of the family members of the employee which can never be countenanced.

The petitioner is directed to make a suitable representation, incorporating the present order, before respondent no. 3 within a period of eight weeks, who shall pass a reasoned order in accordance with law on such representation within a further period of six weeks thereafter. While deciding such representation, the concerned respondent shall also decide whether the amount of liability could be adjusted against his post retiral dues without such liability having been communicated to the employee during his lifetime and whether such liability, if at all had incurred but which was detected after the



death of the employee would remain alive or would stand abated. In case the concerned respondent finds that the post retiral dues of the late employee be paid to the petitioner, the same shall be made available to the petitioner as early as possible, which decision shall be the subject to the rules in that regard.

With the aforesaid direction/observation, the writ petition stands allowed and disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.06.2020
Transmission Date	

