

IN THE HIGH COURT OF JUDICATURE AT PATNA
C.W.J.C. No. 14699 of 2018

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Anand Kumari Pandey, Wife of Late Chandrama Pandey and daughter of late Bishnudeo Pandey, resident of Village and P.O.-Dumra, P.S.-Kotwa, District-East Champaran.

... .. Petitioners

Versus

1. The State of Bihar through the Secretary Principal Education Dept., Government of Bihar at Patna.
2. The District Programme Officer, East Champaran at Motihari.
3. The Treasury Officer, East Champaran at Motihari.
4. The Head Mistress, Primary School Dumra, P.S.-Dumra, P.S.-Kotwa, District-East Champaran.
5. The Accountant General, Bihar at Patna.
6. The District Provident Fund Officer, East Champaran at Motihari.

.. ... Respondents

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Appearance :

For the Petitioner : Mr. Rajesh Ranjan, Advocate
 For the Respondent State: Mr. Subhash Chadra Mishra, SC-16
 For the Accountant General : Mr. Purushottam Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5. 07-09-2020 This writ application has been filed seeking direction to the respondents to pay gratuity with up to date interest as well as arrears of pension for the period August, 2011 to August, 2015. She is also seeking a direction for payment of provident fund amount with statutory interest.

2. According to the petitioner, she retired as Headmistress of Government Primary School, Dumra with effect from 31.07.2011. It is her case that though there was no amount lying with her, she had received a communication after her superannuation to the effect that she had received a sum of Rs.15,000/- against construction of a school toilet, which was



not constructed and accordingly she was required to deposit the amount. The petitioner is said to have responded to the said communication stating that the amount in question was received by the Chairman, Vidyalaya Management Committee, Dumra, and not by the petitioner and it was wrongly being shown against the petitioner's name. It has also been stated that the petitioner's successor, respondent No.4, also informed the authorities that the said amount was paid to the Chairman of the School Management Committee and not to the petitioner.

3. A counter affidavit has been filed on behalf of respondent No.2 stating therein that once the answering respondent learnt about the present matter, he took prompt steps for resolution of the dispute raised by the petitioner in the present writ application.

4. In respect of payment of arrears of pension for the period August, 2011 to August, 2015, it has been stated that the Accountant General had authorised payment of pension for the said period vide letter No.870 dated 09.11.2015 and the same was sent to the Treasury Officer, Motihari. It has further been stated that the said amount has been paid to the petitioner.

5. In respect of payment of gratuity amount, it has been stated that the an amount of Rs.15,000/- for construction of a toilet in the school was found to have been withdrawn by the



petitioner's predecessor and after his death, the petitioner had issued a certificate to the effect that there was no amount due to the said deceased Headmaster of the School Late Ram Chandra Pandey. It is the case of the respondents that since the petitioner had issued no dues certificate in respect of her deceased predecessor, despite there being dues of a sum of Rs.15,000/-, the said dues had fallen upon the petitioner. It is accordingly the case of the respondents that the Treasury Officer, Motihari, has been communicated to release the gratuity amount after adjusting the said amount of Rs.15,000/-.

6. In respect of payment of general provident fund amount, it has been stated that the petitioner has been asked to submit relevant details required for processing payment of general provident fund amount. A reminder has also been sent to her asking her to submit an application for withdrawal of G.P.F. amount in prescribed BTC Form-56 as prescribed under Bihar Treasury Rule 371 of the Code. It has been stated that the petitioner has not responded to the said request till the date of filing of the counter affidavit.

7. It is evident from what has been averred in the counter affidavit in response to the averments made in the writ application that payment of gratuity in favour of the petitioner was withheld on the ground that a sum or Rs.15,000/- was lying



with the petitioner, which was withdrawn for construction of a toilet. The specific case of the petitioner that the said amount was received by Chairman of the School Management Committee has not been denied by the respondents. The petitioner is now being blamed for having issued a 'no dues certificate' in respect of her predecessor, who had, according to the State respondents, withdrawn the said amount of Rs.15,000/-.

8. In the absence of specific denial of the petitioner's case that the amount was withdrawn by the Chairman of the School Management Committee, the petitioner cannot be blamed nor any liability can be fastened to her in respect of the said amount of Rs.15,000/-..

9. In view of the facts noted above, this application is allowed with a direction to the respondents to ensure payment of full gratuity within one month from the date of receipt/production of a copy of this order. If the petitioner is yet to submit her papers for withdrawal of G.P.F. amount, she may do so within a period of two months from today. The amount of G.P.F. shall thereafter be positively released with statutory interest in favour of the petitioner within a maximum period of one month thereafter.

10. The Court further directs the respondents to



ensure that all pensionary benefits of the petitioner are paid to her forthwith, if not already paid.

11. The reason disclosed by the respondents for withholding the petitioner's gratuity are not at all acceptable to this Court. Accordingly, the Court directs the respondents to pay to the petitioner simple interest @ 6% per annum on the amount of gratuity from the date when it had become due till the date of actual payment.

12. This application is accordingly allowed.

13. There shall be no order as to costs.

(Chakradhari Sharan Singh, J)

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