

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.113 of 2021

In
Civil Writ Jurisdiction Case No.20072 of 2019

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Bihar, Patna.
2. The District Magistrate, District - Aurangabad.
3. The District Officer, District - Aurangabad.
4. The Block Development Officer, Deo Block, District - Aurangabad.
5. The Block Development Officer, Obra Block, District - Aurangabad.
6. The Regional Provident Fund Commissioner, Provident Fund Commissioner, Provident Fund Office, Patna.

... .. Appellant/s

Versus

Most. Ramsigari Devi Wife of Late Ram Dev Singh, Resident of Village -
Chauri, P.S. Daudnagar, District - Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Satya Vrat, AC to GP 10
For the Respondent/s	:	Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 17-11-2021

Aggrieved by the judgment passed by learned Single
Judge in C.W.J.C. No.20072 of 2019 dated 07.07.2020 , State of
Bihar has filed this appeal.

Husband of the petitioner, namely Ram Dev Singh was appointed as Panchayat Sevak on 20.04.2005, who was posted in block office of Rafiganj, where he died in harness on 15.06.2019.

In the counter affidavit filed by the State Government, it was stated that the amount of Rs. 3,38,240/- was due against the husband of the petitioner and other retirement dues were paid after making such deduction, however, amount of gratuity of Rs. 4,72,536/- could not be paid as it was contended that with immersion of Rule 43(d) vide notification dated 21.01.2019 in Bihar Pension Rules, gratuity amount was withheld till final conclusion of the departmental proceeding or judicial proceeding.

It is an admitted position that the husband of the petitioner died in harness and as such no departmental proceeding or criminal proceeding was initiated against him during his lifetime and even same would have abated on the death of the Government employee.

The learned Single Judge has directed to pay all the retiral dues including, family pension, gratuity and other retirement benefits with interest @ 6 per cent per annum from the date, it was due, till its realization.

Accordingly, the appeal filed by the State Govt. is
dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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