IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2549 of 2020

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Shushma Shekhar Wife of Late Himanshu Shekhar Resident of Mohalla/Village- Kovil, P.S.- Islampur, District- Nalanda.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Finance, Government of Bihar, Patna.
2. The Secretary, Department of Finance, Government of Bihar, Patna.
3. The Treasury Officer District- Gaya.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Virendra Prasad, Adv.

For the Respondent/s : Mr.Ajay Kr. Rastogi (Aag10)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date : 09-07-2021

Heard Mr Virendra prasad, learned counsel for the petitioner and Mr Ajay Kumar Rastogi, learned AAG-10 for the State.

The husband of the petitioner died during treatment on 04.12.2013 while he was in job. After death of her husband, the petitioner filed a representation before the respondent authority for death cum-retiral benefits and after inordinate delay, the authority slip was issued by the office of the Accountant General on 28.01.2019 for pension and gratuity in favour of the petitioner. After issuance of authority slip as usual the racket of manipulators got an opportunity to fix the accountability of huge expenditure of approximately one crore and odd on the shoulders of late husband of the petitioner as after the death, he would not in a position to defend himself and explain the utilization of huge money advanced to him for certain project. The Treasury Officer on issuance of authority by office of Accountant General became wiser and started making correspondence in connection with the dues against late husband of the petitioner after 6 years of death. The Block Development Officer got golden opportunity to fasten the accountability of rupees one crore and odd on the shoulders of the late husband of the petitioner and this why the pensionary benefits and death-cum-post retiral dues were denied to the widow, the petitioner. Even after filing of the writ petition, the respondents consumed their own time and only in 2021 they paid the family pension and arrears of pension to the petitioner.

Mr. Virendra Prasad, learned counsel appearing on behalf of the petitioner would submits that except pension and arrears of pension, other death-cum-post retiral benefits have not been paid to the petitioner.

Considering the fact that respondents have consumed eight long years in payment of family pension to the petitioner, the Court is of the view that petitioner shall be entitled to 9 percent interest per annum from the date of death of the late husband of the petitioner i.e. 04.12.2013 to the date of actual payment of family pension and arrears thereof. The payment of remaining post retiral dues shall be paid to the petitioner within a maximum period of 30 days with 9 percent interest per annum. In case of delay of payment beyond 30 days, the interest on entire balance amount of death-cum-retiral benefits shall be calculated at the rate of 20 percent per annum which shall be calculated from the date of death of late husband of the petitioner till the date of actual payment and the interest shall be realized from the pocket of the Treasury officer, Gaya, Block Development Officer, Amas and the Block Development Officer, Nardiganj in proportion. The Secretary, Department of Finance, Government of Bihar and the Secretary, Agriculture Department shall take initiative for appropriate proceeding against all the erring officers whose lapses led to delay in payment of post retiral dues to the petitioner.

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

(Anil Kumar Upadhyay, J)

rakhi/Shageer

AFR/NAFR	
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