

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11701 of 2018

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Rajhans son of Sunil Prasad Sah resident of village - Surya Bhagwan Mandir
Kasba, Police Station - Kasba, District - Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Director, Primary Education Deptt. Govt. of Bihar.
5. The District Magistrate, Purnea.
6. The District Education Officer, Purnea.
7. The District Programme Officer Establishment, Purnea.
8. Block Education Officer, Block Kasba, District Purnea.
9. Panchayat Secretary-cum-Employment Unit Gram Panchayat Kulla Khas,
Block - Kasba, Police Station -
10. Mukhiya, Gram Panchayat Kalla Khas, Police Station - Kasba, District -
Purnea.
11. Head Master, Primary School Dilgah Sahjee Kulla Khas, Block - Kasba,
District - Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vikram Singh, Adv. With Mr. Rajeev Ranjan No. II, Adv.
For the State	:	Mr.Madhaw Pd. Yadaw- Gp23 with Mr. Arvind Kumar, AC to GP-23

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 30-08-2022

1. Heard the parties.

2. The petitioner by way of this writ petition has
prayed for directing the respondents to make ex gratia payment
on account of death of his mother, who expired on 12.01.2016
while in service and working as Panchayat Teacher (trained).
The petitioner has relied on the Government letter dated



24.03.2017, whereby the petitioner was entitled to receive ex gratia payment of a sum of Rs.4,00,000/- (four lakhs) from the respondents, on account of untimely death while in service of his mother.

3. The petitioner has placed on record the service book of the petitioner late mother and also placed on record documents showing that he was dependent on his mother. The petitioner has also submitted timely the application for release of the ex gratia payment.

4. On behalf of the State, reply has only been filed by the Block Education Officer, Kasba, Purnea, who states in his counter affidavit that in light of the guidelines issued by the Director, the deponent had submitted a letter on 26th May, 2018 to make available the amount for ex gratia payment to the dependent of the deceased teacher. It is further stated that the Director had asked him to get a recommendation of the Panchayat Secretary of the Gram Panchayat regarding payment of ex gratia, who vide its letter dated 07.12.2018 recommended for making of payment, but the payment could not be made in spite of the sanctioning letter issued by the respondent no. 5 dated 19.12.2018 namely, the District Magistrate, Purnea, the amount has not been allotted by the Secretary-cum-Budget



Officer. It is stated in the counter affidavit as soon as the amount is received, the same shall be released.

5. This Court finds that while the sanction has been granted by the District Magistrate after all the formalities, which have taken a considerable time, still the payment has not been released. The Block Education Officer, cannot be held responsible for such aspect. However, the Director, Primary Education was required to see that the amount is released from the Finance Department. Delay in making ex gratia payment, itself frustrated the very purpose of granting the same.

6. Keeping in view that the State Government has already laid down a policy for making ex gratia payment and amount has not been released despite all the formalities having been completed, I am inclined to allow this writ petition and direct the respondents to release the amount forthwith within a period of four weeks and also pay interest at the rate of 12% per annum from the date the same was sanctioned i.e. on 19.12.2018 till date of release.

7. If the amount is not paid within the period of 30 days, the concerned officials shall be held liable for the delay and the interest amount shall be recovered from their personal salary. Cost of Rs. 20,000/- (Twenty thousand) is also imposed



to be recovered from the Officer, who is responsible for not releasing the amount.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 9

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