IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8543 of 2021

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Santosh Kumar S/o Shri Gopaljee Prasad, R/o Mohalla - Anaith Mathiya, P.O. - Anaith, P.S. Ara Nawada, District - Bhojpur.

... ... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Home, Patna, Bihar.
2. The Director General of Police, Patna, Bihar.
3. The Inspector General of Police (Administration) Patna, Bihar.
4. Deputy Inspector General of Police, Munger Area, Munger.
5. The Superintendent of Police, Munger, District - Munger.
6. District Treasury Officer, Munger, Bihar.
7. Accountant General, Patna, Bihar.
8. The District Treasury Officer, Ara, Bihar.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Nath Sinha, Advocate.
For the Accountant General:		Mr. Arun Kumar Arun, Advocate.
For the Respondent/s	:	Mr. Shuhbaj Alam, AC to GP 5.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 22-11-2022

Heard Mr. Rajendra Nath Sinha, learned counsel for the petitioner, Mr. Arun Kumar Arun, learned counsel for the respondent Accountant General and Mr. Shuhbaj Alam, learned Assistant Counsel for Government Pleader No.5 for the State.

Learned counsel for the petitioner seeks permission to make the District Treasury Officer, Ara, Bihar, as party respondent no.8 in this case. Permission is accorded. The learned counsel for the State accepts the notice on behalf of the respondent no.8.

By filing the present writ application the petitioner seeks direction upon the respondents to ensure payment of gratuity and commuted pension amount of his late father.

It is submitted that the father of the petitioner superannuated from the post of Deputy Superintendent of Police from Munger on 31.12.2015. Unfortunately, the father of the petitioner died due to prolong illness on 14.05.2020, however, even after lapse of more than five years the grievance of the petitioner with regard to the gratuity and commuted pension has not been redressed. The petitioner being son has been compelled to approach before this Court.

A supplementary counter affidavit has been filed on behalf of the respondent no.7 in continuation of the earlier counter affidavit bringing on record the latest position of this case. By referring to the statement made in paragraphs nos.5 to 6 to the supplementary counter affidavit, Mr. Arun learned counsel for the Accountant General submitted that the service record of the petitioner has been made available to the office of the Accountant General by Entitlement Cell (Finance Department) Government of Bihar, Patna, vide Memo No.789(23) dated 26.07.2022. It is further submitted that on the receipt of the same, an authority of gratuity and commutation bearing No. Pen-02/ PEN 290722021597/201711021114P1 have already been issued on 09.09.2022 and thereafter the enhancement of the authority of pension revision regarding 7th CPC bearing no. Pen-

02/RV7190922029365/201711021114P1 dated 29.09.2022 have also been issued by the office of the Accountant General (as contained in Annexure R7/6 series).

At this juncture, learned counsel for the petitioner submits that though the authority slips have been issued but till date the amount has not been credited to the account of the petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the statements made in the supplementary counter affidavit filed on behalf of the respondent no.7 this Court direct the District Treasury Officer, Ara, Bihar, to ensure the payment in the light of the authority slip issued by the Accountant General. The aforesaid exercise must be done preferably within a period of four weeks from the date of receipt/production of this order failing, which appropriate order would be passed against the erring officials.

Accordingly, the present writ application stands disposed of with aforesaid observation and direction.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.11.2022.
Transmission Date	NA