

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10628 of 2018

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Pappy Jha W/o Late Ashish Kumar Jha, resident of Village- Rajpur, PS- Belhar, District- Banka, presently residing at Magistrate Colony, PS- Rajiv Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary Department of Cooperative, Govt. of Bihar, New Secretariat, Patna
3. The Registrate Cooperative Socities, Govt. of Bihar, New Secretariat, Patna.
4. The Accountant General Bihar Patna.
5. The Director Provident Fund, Provident Directorate, Govt. of Bihar, Patna.
6. The District Provident Fun Office, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kishore Kumar Sinha, Advocate.
For the Respondent/s : Mr. Balram Kapri, SC-26
For the Accountant General: Mr. Prashant Ranjan, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 15-12-2022 Heard Mr. Kishore Kumar Sinha, learned counsel for the petitioner; Mr. Prashant Ranjan, learned counsel for the Account General, Bihar and Mr. Balram Kapri, learned SC-26 for the State.

The present writ petitioner has been filed for the following reliefs:-

“For issuance of appropriate writ or writs/direction or directions commanding the respondents concern to pay the post retiral benefits to the petitioner (on behalf of her deceased husband) i.e. pension in full (allowed only 90%



paid), 10% Gratuity (only 90% paid), which was sanctioned provisionally vide departmental letter no. 2794 dated 14.07.2014, leave encashment of about Rs. 10 Lakhs and above, provident fund (paid only about 7-8 lakhs approx instead the entitlement of about 15 lakh, Group Insurance sanction by department letter no. 2189 dated 04.06.2014 and 2230 dated 22.04.2014 respectively, the due salary for the period of medical leave while the deceased posted as DCO Dumka, and other post retiral benefits admissible to the petitioner forthwith, and for any other payments not known to the petitioner/relief to which the petitioner is entitled. The claimed amount/ dues as sought for is also explained in paragraph 11 of the present petition along with interest @ 18% over the amount due”.

A counter affidavit has been filed on behalf of the respondents no. 5 and 6, learned counsel for the State by referring the averments made in paragraph no. 8 of the counter affidavit submits that substantive amount under the head of GPF and other dues have stood paid to the petitioner. However, it is submitted that remaining GPF amount of the deceased husband of the petitioner for the period of December, 1992 to July, 1993 and January, 2000 to September, 2001 is yet to be paid which could not be calculated due to non-availability of advance certificate required to be mentioned on the deduction statement.



A rejoinder to the counter affidavit has been filed on behalf of the petitioner and it is vehemently submitted that still the amount under GPF has not been fully settled and the amount for certain period as has been admitted by the State-Respondent that has not been paid to the petitioner. It is further grievance of the petitioner that though the amount has been paid after four years of the retirement, but the same has not been paid with the statutory or penal interest. He also submits that till date the salary for the period in which the petitioner remained under medical leave while he was posted as District Cooperative Officer (DCO), Dumka has not been paid.

Having considered the submissions made on behalf of the parties and the materials available on record, the present writ application stands disposed of with a direction to the respondent no. 6 to consider the claim of the petitioner for remaining unpaid amount of the GPF for the period which has been stated herein above and the same be paid to the petitioner, if found admissible, preferably within a period of eight weeks from the date of receipt/ production of a copy of this order.

It is further directed that so far the grievance with regard to leave encashment and salary for the period in which, the petitioner remained under the medical leave, while working



as District Cooperative Officer, Dumka, the petitioner may be at liberty to file a representation before the Register, Cooperative Society, Government of Bihar, who will look into the matter and pass a reasoned and speaking order.

It is needless to say that if the claim of the petitioner, including with regard to salary and leave encashment finds favour, a direction for the mandatory benefit would be passed in favour of the petitioner, in the stipulated period prescribed herein above.

Accordingly, the present writ petition stands disposed of with the aforesaid observation and liberty.

(Harish Kumar, J)

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