

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.829 of 2023

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Uday Kumar S/o Late Sukhdeo Ram Bekapur, Vijay X-ray Lane (Gali) P.S.-
Kotwali Dist.-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The District Education Officer, Khagaria
4. The Regional Deputy Director of Education, Munger Region, Munger.
5. The District Program Officer (Establishment), Khagaria.
6. The Block Education Extension Officer, Beldaur, Khagaria
7. The District Magistrate, Khagaria.
8. The Accountant General, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate
For the Respondent/s : Mr.Jitendra Kr. Roy 1, S.C.13)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 26-04-2023

Learned counsel appearing on behalf of the petitioner informs this Court that the petitioner has represented before the District Education Officer, Khagaria, who is sitting tight over the matter without forwarding the same to the District Programme Officer for issuing sanction letter to the Accountant General (Bihar).

2. A counter affidavit has been filed on behalf of the Accountant General (respondent no.8) stating that already a letter bearing no.Pen-14-2238 dated 03.03.2023 has been sent to the concerned Department i.e. the Additional Chief Secretary,



Education Department, Government of Bihar with a copy to the petitioner for sending the sanction, if any action is required from the office of the Accountant General, Bihar.

3. The petitioner is aggrieved for non-payment of terminal monetary benefits i.e. gratuity, family pension, earned leave and the provident fund on account of death of his father, Late Sukhdeo Ram, who had retired from the post of Peon.

4. The record reveals that the wife of the deceased employee was not given family pension, therefore, the petitioner is enforced to file the present writ petition.

5. Considering the grievance of the petitioner, the attitude of the District Education Officer and the District Programme Officer appear to be unwarranted. The Principal Secretary, Primary Education Department, Government of Bihar is directed to take immediate steps to make payment of retiral benefits to the petitioner on account of death of his father, who was Peon and died in harness while he was working in the office of the Block Education Extension Officer, Khagaria.

6. There is callous attitude of the District Education Officer of not forwarding the requisite papers to the District Programme Officer (Establishment) and keeping the matter



pending, in the meanwhile, wife of the deceased employee also died.

7. The entire exercise in sanctioning all the terminal dues must be taken within a period of three weeks at the level of the District Education Officer and the District Programme Officer (Establishment). The Principal Secretary, Primary Education Department, Government of Bihar must ensure that the District Education Officer and the District Programme Officer (Establishment) are serious in making payments and the sanction letter is sent to the Account General office with respect to fixation of family pension, which was payable to the wife of the deceased employee within a period of six weeks. The wife of the deceased employee had died on 19th July, 2020.

8. If this order is not complied with, the petitioner is at liberty to revive his grievance before this Court or he can also file a contempt petition against the authority who is wilfully and deliberately not complying with the order of this Court.

9. With the above observation/direction, the present writ petition is allowed.

(Purnendu Singh, J)

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AFR/NAFR	
CAV DATE	26.04.2023
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