

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9664 of 2020

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Mosmat Azmat Jahan Wife of Late Anis Ashraf Resident of Village- Khanpur,
P.S.- Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The District Accounts Officer, Sitamarhi.
4. The Block Development Officer, Bairgania, District- Sitamarhi.
5. The Deputy Collector, Establishment, Sitamarhi.
6. The Accountant General, Bihar, Veer Chand Patel Path, Patna.
7. Sri Ashutosh Anand Son of name not known to the petitioner the then Block Development Officer, At present Block Development Officer, Bankatwa, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kripa Nand Jha, Adv.
For the Respondent/s : Mr.Md. Nadim Seraj,

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 24-02-2023 Heard the parties.

2. The husband of the petitioner died in harness on 28.10.2014 while he was working as Nazir at Bairgania, Sitamarhi. The petitioner who is the widow of the deceased employee also died during pendency of this writ application and her legal heirs have been substituted *vide* order dated 23.02.2023.

3. Learned counsel for the petitioner submits that all the retiral dues have been paid except the gratuity.

4. Learned counsel for the State submits that audit is



going on and the gratuity shall be paid after the audit is over which is being conducted by the State Audit Team.

5. This Court, after having heard the learned counsel for the parties, is of the opinion that the gratuity cannot be withheld on the ground that audit is going on by the State Audit Team. Accordingly, I direct the District Magistrate, Sitamarhi to pay the gratuity amount in favour of the substituted heirs in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

6. The petition stands allowed.

(Anil Kumar Sinha, J)

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