

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14269 of 2016

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Sushma Devi Wife of Late Shaligram Pandey, resident of Village- Dheusa,
P.O.- Dheusa Dih, P.S- Shekhpura. District- Shekhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The State of Jharkhand through the Chief Secretary, Govt. of Jharkhand, Ranchi.
3. The Secretary, Water Resources Department, Govt. of Bihar, Patna.
4. The Managing Director, Bihar Hill Area Lift Irrigation Corporation BHALCO, Water Resources, Corporation Office, opposite of Registrar General (Patna High Court)'s residence, Daroga Rai Path, Patna-800001.
5. The Managing Director, Jharkhand Hill Area Lift Irrigation Corporation JHALCO, Ranchi.
6. The Regional Manager, Sub- Area BHALCO, Near Maveshi Hospital, Giridih- 815301.
7. The Secretary, Minor Under Resources Department, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shree Nivas Madhuvan, Advocate. Mr. Satyendra Rai, Advocate.
For the Respondent/s	:	Mr.Vikash Kumar, SC-11. Mr. Sriram Krishna, AC to SC-11.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 13-07-2023

Heard Mr. Shree Nivas Madhuvan, learned counsel
along with Mr. Satyendra Rai, learned counsel appearing on
behalf of the petitioner and Mr. Sriram Krishna, AC to SC-11
for the State.

2. Learned counsel appearing on behalf of the
petitioner informs that the petitioner is aggrieved by non-
payment of gratuity, leave encashment and CPF amounting Rs.
9411/-.



3. The deceased employee had died in harness on 04.01.2004 while he was posted on the post of Pump Khalasi @ Pump Chaukidar which is a Class-IV post in Bihar Hill Area Lift Irrigation Corporation (BHALCO). Petitioner is a widow and an illiterate lady. He submits that certain requisite forms are required to be filled up for grant of benefits which has been denied to the petitioner.

4. Petitioner has informed that he will make a representation before the appropriate authority for payment of gratuity, leave encashment and C.P.F. amounting Rs. 9411/- before the Additional Chief Secretary, Water Resources Department, Government of Bihar, as as on date Bihar Hill Area Lift Irrigation Corporation (BHALCO) is under liquidation.

5. This Court in peculiar fact of the case that the Corporation is under liquidation, in the interest of justice, directs the Additional Chief Secretary, Water Resources Department, Government of Bihar to examine the case of the petitioner whose husband had died in harness long back on 04.01.2004 on the basis of the available records. The payments are required to be paid to the petitioner on account of gratuity, leave encashment and C.P.F. amounting Rs. 9411/-. The



petitioner is an illiterate lady and is old and infirm. The Additional Chief Secretary must entrust a competent officer to visit the house of the petitioner to obtain necessary documents and redress the grievance of the petitioner by crediting the amount on account of gratuity, leave encashment and CPF amounting Rs. 9411/- within a period of six weeks in accordance with law. He must not take any technical plea that certain forms are not filled up. The officer to whom he will entrust must ensure that all the formalities required for payment of gratuity, leave encashment and CPF amounting Rs. 9411/- along with statutory interest at the rate of 18% must be done by the controlling officer on behalf of the petitioner within six weeks.

6. In case of any further delay considering the fact that the husband of the petitioner had died in harness on 04.01.2004, this Court will take appropriate legal action against the concerned employee.

7. With the aforesaid observation and direction, the writ application stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	20.07.2023
Transmission Date	N.A.

