

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14109 of 2021**

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Vimal Kumar Son of Giddyon Jekab and Husband of Late Jyotsna Bala Das  
(Paricharika Grade-A, D.M.C.H. Darbhanga), Resident of Hela Bazar  
Hajipur, P.S. - Hajipur Town, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Health Department, Patna.
2. Director in Chief, Health Services, Bihar, Patna.
3. Superintendent, Darbhanga Medical Hospital, Darbhanga.
4. Civil Surgeon, Darbhanga.
5. District Provident Fund Officer, Darbhanga.
6. District Provident Fund Officer, Vaishali at Hajipur.
7. Accountant General, Bihar, Patna.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Naresh Chandra Verma, Adv. |
| For the Respondent/s | : | Mr. Binod Kr. Yadav, (Sc18)    |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

4      25-01-2023                      Learned counsel for the petitioner and counsel for the  
  
State present.

Counsel for the petitioner submits that the present writ  
petition has been filed for a direction to the respondents to pay  
the Petitioner's Post death benefit as well as the Family Pension  
to the wife of the petitioner who died on 03.05.2020. Counsel  
submits that the wife of petitioner was appointed as Paricharika  
Grade-A and was posted in Patna Medical Hospital. She was  
transferred on 24.09.1985 at Sadar Hospital Hajipur and since  
then, she was working there. On 30.06.2002 she was transferred

to Darbhanga Medical College Hospital and on 30.11.2002 she was relieved from Sadar Hospital Hajipur and joined Darbhanga Medical Hospital on 03.12.2003. During her posting at Darbhanga Medical Hospital, due to illness, she died on 03.05.2020. After death, the petitioner has made representation but no action for payment was made. Thereafter, on 12.04.2021 petitioner again filed application for payment of all the Post Death Claim to the petitioner but nothing was paid.

Counsel for petitioner further submits that the date of birth of the petitioner's wife is 20.09.1962, therefore, she was retired on 30.09.2022 but in the meantime, she died on 03.05.2020. There was no departmental proceedings pending against her nor she was dismissed or removed from service and hence, petitioner is entitled to all benefits of Gratuity, G.P.F., Group Insurance, Leave encashment and Family Pension.

Counsel for petitioner further submits that vide order dated 29.11.2022, it was a clear cut direction given to the appropriate authority to pay the admissible outstanding dues to the petitioner, failing which appropriate order shall be passed against erring officials.

Counsel for petitioner further submits that on 11.01.2023, counsel for petitioner submits that he received the

copy of counter affidavit in the Court itself, on which counsel for respondent sought time to file copy of counter affidavit in the Court.

Counsel further submits that respondent no. 3, Superintendent, Darbhanga Medical Hospital, Darbhanga, an issue letter dated 10.11.2021 written to the Director, Health Services, Patna, Bihar with details for the payment of G.P.F. vide order dated 11.01.2022, 12.07.2022 and subsequently, Memo No. 645 dated 10.02.2022 was directed to pay the same. It has been submitted that the answering respondent has filed representation to the A.G. Bihar regarding the payment of gratuity and pension and petitioner also wrote letter to A.G. Bihar regarding the payment of gratuity and pension, therefore, A.G. Bihar has directed for payment of Group Insurance to the deceased wife of the petitioner.

Counsel for the respondent further submits that there is no merit in the present case. Counsel further submits that from order passed on the earlier occasion, it transpires that enough time was granted to the erring officials.

Today, counsel for the petitioner is again seeking time but in view of the counter affidavit filed by the respondent that steps towards payment of the admissible dues has been taken on

the part of the respondent.

Let this application is disposed off with liberty that if the admitted dues in the counter affidavit shall not be paid within 10 weeks from today, 9 % interest shall be charged on the admissible dues mentioned in the counter affidavit.

**(Dr. Anshuman, J.)**

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