

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.208 of 2021

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Ramapati Kumari, Wife of Late Surendra Prasad Singh, Resident of Village-
Ghatakan, P.O.- Dhangawan Police Station- Kako, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education Department Bihar, Patna.
3. The District Education Officer, Jehanabad.
4. The District Programme Officer, (Estab), Jehanabad.
5. The Treasury Officer, Jehanabad.
6. The Assistant General Manager, Centralised Pension Processing Centre, State Bank of India, 4th Floor Administrative Office, Judges Court Road Patna-800001.
7. The Branch Manager, State Bank of India, Hajipur Branch (08313) District- Jehanabad.
8. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Kumar, Advocate
For the Respondent/s	:	Mr. Nishant Kumar Jha, AC to SC-28
For the S.B.I.	:	Mr. Sanjiv Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 11-12-2023

Heard Mr. Binod Kumar, learned counsel for the petitioner, Mr. Nishant Kumar Jha, learned counsel for the State and Mr. Sanjiv Kumar, learned counsel for the State Bank of India.

2. The petitioner, who superannuated on 30.09.2014 from the post of Assistant Teacher, Government Primary School, Ghatakan, Kako in the district of Jehanabad, filed the present



writ petition seeking a direction upon the respondents to ensure payment of her entire amount of gratuity along with admissible interest over the delayed payment thereof.

3. It is submitted on behalf of the petitioner that despite having been retired from the post of Assistant Teacher on 30.09.2014, the gratuity amount of the petitioner has been withheld for want of “No Dues Certificate”. It is further submitted that on the verge of retirement, while the petitioner was working as incharge Headmistress of Government Primary School, Ghatakan, some amount was allocated to her for construction work of school boundary, however, in the meantime, the petitioner superannuated, thus the District Programme Officer, Sarv Shiksha Abhiyan, Jehanabad vide its letter, as contained in Memo no. 1042, dated 11.05.2016 directed the petitioner to deposit Rs.42,941/-. Pursuant thereto, the petitioner has submitted a Bank draft of Rs.42,941/- vide draft no. 545044 dated 16.05.2016. Irrespective of the due amount returned to the District Programme Officer, Sarv Shiksha Abhiyan, Jehanabad, the petitioner has not been allowed the gratuity amount and lastly the District Programme Officer (Establishment), Jehanabad sent letter no.2037 dated 10.10.2018 to the Treasury Officer, Jehanabad with all requisite



papers for payment of gratuity amount with GPO No. 201511101085GO. He further submits that on receipt of the requisite papers, the Senior Treasury Officer, Jehanabad vide Memo No. 934 dated 01.11.2018 has forwarded the letter to the Manager, State Bank of India, Jehanabad for payment of gratuity amount.

4. A counter affidavit has been filed on behalf of respondent Bank. Mr. Sanjiv Kumar, learned counsel for the Bank referring to the averments made therein, submits that the respondent Bank is a pension disbursing agency and credit the amount of the pension and gratuity in the account of pensioner only on the instructions given by the respective pension paying authority.

5. It is further contended that the respondent Bank has not received any original paper of the gratuity payment order from the Treasury Officer and to this effect, time without number, the respondent Bank made request to the Treasury Officer, Jehanabad to send the original copy of the gratuity payment order, but the same has not been done till October, 2021 and when the copy of the GPO was sent, payment has been made.

6. At this juncture, learned counsel for the



petitioner submitted that despite any laches or negligence on the part of the petitioner, she was punished for her no fault for such a long period of seven years from the date of her retirement and finally during the pendency of the present writ petition she has been accorded the amount of gratuity to the tune of Rs.7,78,734/-. It is next submitted that from the entire episode and the materials available on record, it is explicit that because of indolent and apathetic attitude of the respondent State authority as well as the Bank, the petitioner had been deprived from her rightful admissible due amount. He, thus submits that in any view of the matter, the petitioner cannot be deprived from statutory interest over the delayed payment of gratuity, which has been paid after a delay of more than seven years.

7. Considering the limited grievance of the petitioner, this Court deems it proper to dispose of the writ petition with a direction to the Director, Primary Education, Bihar, Patna to consider the claim of the petitioner for interest over the delayed payment of gratuity, as, *prima facie*, from the record, this Court is of the opinion that because of the laches on the part of the official respondents, the petitioner has been deprived from her rightful claim of gratuity for such a long period.



8. It is needless to observe that the case of the petitioner shall be considered in the light of the order/judgment rendered by the Division Bench of this Court in the case of **Jahanvi Shankar Verma Vs. The Chairman Bihar State Electricity Board & Ors.**, reported in **2003 (1) PLJR 254** and in the case of **The Vice Chancellor, Tilka Manjhi Bhagalpur University & Ors. Vs. Dr. Hari Shankar Prasad Singh & Another**, reported in **2015 (3) PLJR 191**.

9. The aforesaid exercise must be completed preferably within a period of eight weeks from the date of receipt of a copy of this order.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2023
Transmission Date	NA

