

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14334 of 2022**

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Pramila Singh Wife of Late Ajay Kumar, Resident of Village, Post and Police  
Station- Imamganj, District- Gaya. ... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director Middle/ High School, Department of Education, Govt. of Bihar, Patna.
4. The District Programme Officer (Establishment), Gaya.
5. The District Education Officer, Gaya.
6. The Block Education Officer, Imamganj, Gaya.
7. The Headmaster Middle School, Sobari Basura Imamganj, District- Gaya.
8. The District Treasury Officer, Gaya.
9. The Accountant General (A and E) Bihar, Patna.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Virendra Prasad, Adv.      |
| For the Respondent/s | : | Mr. Madan Jeet Kumar ( Gp 20 ) |
|                      | : | Mrs. Ritika Rani, A.G. Adv.    |
| For the State/s      | : | Mr. Rajeev Ranjan AC to GP-20  |

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

5      17-01-2023                      Learned counsel for the petitioner, counsel for the State and counsel for the Accountant General present.

Counsel for the petitioner was working in Govt. as assistant teacher who died on 10.12.2019 during his service. After death, the petitioner has filed representation to pay the death -cum- retiral dues offer to the petitioner thereupon, the authority slip dated 16.11.2021 has been issued in favour of the petitioner for payment of pension and gratuity with statutory interest but it had not been paid to the petitioner thereafter, the petitioner has preferred the present writ petition. In the writ petition, it was ordered vide order dated 02.11.2022 to pay the retiral dues of the petitioner and a question was also framed as

to why the payment has not been made despite issuance of authority slip by the Office of Accountant General, Bihar, Patna. Thereafter, the respondent has issued a letter no. 4495 dated 17.11.2022 for recovery of Rs.69,52,296/- from the petitioner as forwarded by BEO Imamganj for recovery of the said amount from the petitioner whose husband died on 10.12.2019. Counsel has challenged the said letter by way of filing I.A No. 01/2022. In this background, the present I.A has been allowed.

The husband of the petitioner died during his service and after death of her husband upon representation, authority slip was issued by the A.G. for pension and gratuity in favour of the petitioner after issuance of authority slip, the racket of manipulators got an opportunity to fix accountability of the dues expenditure of approximately Rs. 69,52,296 upon the soldier of late husband of the petitioner as after the death, he would not in position to defend himself and explain utilisation of dues money advanced to him for certain period.

The treasury officer on issuance of authority by office of Accountant General become wiser and started making correspondence in connection with dues against the late husband of the petitioner after about 4 years of his death. The District Education Officer got golden opportunity to fasten the accountability of Rs. 69 lakh and out on the soldier of late husband of the petitioner and that is why, the pensionary benefit

and death -cum- post retiral dues are denied to the wife of the petitioner. Even after filing of writ petition, the respondents consumed their own time and only after passing order dated 02.11.2022, their eyes become opened. It is important to mention here that the respondent has paid the family pension and arrears of pension to the petitioner but gratuity has not been paid till date as well as the salary of 15 months. Counsel for the petitioner submits that except arrears of salary, gratuity and other retiral dues have been paid to the petitioner.

Considering the facts that respondents have opened their eyes only after passing order from this court on 02.11.2022. It is directed that the petitioner is entitled to get the gratuity amount, arrears of salary and arrears with statutory interest of her husband within 4 weeks from today. If the said amount shall not paid within 4 weeks, the State is entitled to pay 9 % interest per annum on the payable amount and the said interest amount shall be released from the pocket of the erring officials.

With this observation, this writ application stands disposed off.

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

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