

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16584 of 2021

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Satish Chandra Sharma S/o Late Ram Nandan Singh Resident of Village -
Bhelura Rampur, P.O. - Nagwan, P.S. - Janipur, Dist. - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Secondary Education, Vikash Bhawan, Bihar, Patna.
4. The Regional Deputy Director of Education, Patna.
5. The District Education Officer, Bhojpur, Ara.
6. The Program Officer (Establishment), Bhojpur, Ara.
7. The Principal, Govt. Girl's High School Plus2, Bhojpur, Ara.
8. The Collector cum District Magistrate, Bhojpur, Ara.
9. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Madan Prasad Singh No.2, Advocate
For the State	:	Mr. Prabhakar Jha, GP-27
		Mr. Mukund Mohan Jha, AC to GP-27
For the A.G, Bihar	:	Mr. Vivekanand Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 10-04-2024

Heard Mr. Madan Prasad, learned counsel
appearing on behalf of the petitioner; Mr. Prabhakar Jha, learned
GP-27 appearing on behalf of the State and Mr. Vivekanand
Kumar, learned counsel appearing on behalf of the Accountant
General, Bihar.

2. The petitioner has filed this writ petition for
payment of family pension, gratuity and due salary of the



petitioner's deceased wife, who died on 03.09.2017 while working as Assistant Teacher in Government Girls+2 High School at Ara, Bhojpur.

3. Respondent nos. 4 and 6 as well as respondent no. 9 have filed the counter affidavit.

4. Learned counsel for the petitioner submits that pension and gratuity of the petitioner's deceased wife by now have been paid. He, however, submits that there was a delay in payment of gratuity amount, which was paid to the petitioner only on 23.02.2022, whereas, the petitioner's wife died on 03.09.2017. In so far as, due salary of the petitioner's deceased wife is concerned, it has been stated that the salary for the period 24.08.2016 to 03.09.2017 has not been paid. The salary for the aforesaid period was not paid because the petitioner was terminated from service on 24.08.2006 which however, was interfered with by this Court vide order dated 17.01.2017, passed in C.W.J.C. No. 15713 of 2016 filed by the petitioner.

5. In paragraph no. 11 of the counter affidavit filed by the respondent nos. 5 and 6, it has been stated as under:



“The Regional Deputy Director, Patna Division, Patna, issued an office order vide memo no. 1473, Dated- 18.10.2019, to pay all the dues of late Veena Kumari Sinha, to her dependent husband sh. Satish Chandra Sharma, after due verification and identification through the bank account. (As Contained in Annexure-01 of the writ petition.)”

6. By referring to paragraph no.11 of the counter affidavit filed by the respondent nos. 5 and 6, learned counsel for the State submits that the Regional Deputy Director, Education Department, Patna Division, Patna (respondent no.4) has issued an office order No. 1473 dated 18.10.2019 to pay all the dues of late Veena Kumari Sinha to her dependent husband, Satish Chandra Sharma, the petitioner herein after due verification and identification through the bank account. He submits that all dues mentioned herein includes the arrears of salary of the petitioner for the period 24.08.2016 to 03.09.2017.

7. In view of the above factual position, this writ petition is hereby disposed of with a direction to the respondents to pay to the petitioner the arrears of salary of the petitioner's deceased wife for the period 24.08.2016 to



03.09.2017.

8. In so far as, the delayed payment on the gratuity is concerned, in view of the law laid down by the Hon’ble Supreme Court in the Case of *D.D. Tewari (Dead) through Legal Representatives v. Uttar Haryana Bijli Vitran Nigam Limited and Ors.* reported in *(2014) 8 SCC 894*, the respondents are directed to pay an interest at the rate of 9% per annum from the date of the entitlement of the deceased employee till the date of payment.

9. The payments directed above shall be made within a period of two months from the date of receipt/production of a copy of this order.

10. The writ petition is disposed of with the above directions.

(Nani Tagia, J)

Nilmani/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.04.2024
Transmission Date	NA

