

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13214 of 2022

Prabha Kumari, Wife of Late Madhav Kumar, Resident of Mohalla-
Chitragupt Nagar, Police Station Town Begusarai, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The District Magistrate, Begusarai.
4. The Block Development Officer, Bachhwara, Begusarai.
5. The Treasury Officer, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar, GP- 24
For the Accountant General	:	Mr. Raj Nandan Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 01-07-2024

Heard learned counsel for the petitioner, State and
the Accountant General, Bihar.

2. The husband of the petitioner died in harness on
19.07.2003, while he was posted as Upper Division Clerk in
Bachhawara Block, Begusarai.

3. Learned Counsel for the petitioner contended
that though the entire amount of Provident Fund and Group
Insurance have been paid to the petitioner after the demise of
her husband, but the amount of earned leave, gratuity and due
salary from 01.05.2003 to 19.07.2003 have not been paid,
compelling her to approach this Court by filing the present writ



petition.

4. A counter affidavit has been filed on behalf of respondent nos. 3 and 4.

5. It is contended that a cheque bearing no. 529797, dated 08.02.2024, to the tune of Rs.1,98,369/- has been given to the petitioner against the remaining due amount.

5. In response to the averments made in the counter affidavit, learned counsel for the petitioner thus contended that admittedly the husband of the petitioner died way back in the year 2003 and surprisingly the amount was calculated in the year 2007 and a cheque was also prepared in the name of erstwhile employee, but the same could not be paid and after about 17 years, the widow of the erstwhile employee has been given the same amount without there being any justification for delay and as to why she is not entitled for interest over the delayed payment on account of laches of the respondent authorities for a period of two decades.

6. This Court having heard the rival contention of the parties finds substance in the submission of the petitioner, however, taking note of the fact that there is no material available on record as to what was the reason of delay, this Court deems it appropriate to relegate the matter to respondent no.3 to consider



the claim of the widow of the erstwhile employee for interest over the delayed payment since 2003, till date.

7. For the interest of justice, the petitioner would be at liberty to file a proper representation before respondent no.3 raising her grievance for the statutory interest over the due amount preferably within a period of three weeks from today.

8. In case, such representation is filed by the petitioner before respondent no.3 within the stipulated period, the same shall be considered and disposed of by a reasoned and speaking order within a further period of three weeks.

9. Needless to observe that if the petitioner is found entitled for interest over the due amount, the same shall be paid within the aforesaid period.

10. The writ petition stands disposed of.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.07.2024
Transmission Date	NA

