IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1043 of 2014
In
Civil Writ Jurisdiction Case No.9498 of 2013

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1. The State of Bihar.
2. The Home Secretary, Government of Bihar.
3. The Finance Secretary, New Secretariat, Government of Bihar, Patna.
4. The District Magistrate, Siwan.
5. The Superintendent of Police, Siwan.
6. The District Provident Fund Officer, Siwan.
7. The Circle Officer, Siswan, Siwan.
8. The Treasury Officer, Siwan.

... ... Appellants.

Versus

1. Most. Sonamati Devi, Wife of Late Raj Banshi Manjhi, Resident of Village - Panch Vinda, Post Office - Siswakala, Police Station-M.H. Nagar, Hasanpura, District – Siwan.
2. The Accountant General (Aande), Virchand Patel Path, Patna.

... ... Respondents.

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Appearance :

For the Appellants	:	Ms. Binita Singh, SC-28.
		Mr. Vivek Anand Amritesh, AC to SC-28.
For the Respondent No.1	:	Mr. Manoranjan Patel, Advocate.
		Ms. Pragya Sinha, Advocate.
		Mr. Abhishek Kumar, Advocate.
For the Respondent No.2 (The Accountant General)	:	Mr. Arun Kumar Arun, Advocate.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 27-03-2025

The present L.P.A. is by the State in assailing the order of the learned Single Judge dated 03.03.2014 passed in C.W.J.C. No.9498 of 2013.

2. Core issue involved in the present lis is whether the respondent no.1-Most. Sonamati Devi, wife of Late Raj Banshi Manjhi, is entitled to retiral benefits on account of death of her husband- Raj Banshi Manjhi on 05.03.2004 read with his date of appointment on 24.05.1980 or not? Retiral benefits and Family Pension has not been paid only on the score that subsequent to death of Raj Banshi Manjhi, one Punyadeo Manjhi stated to be brother of deceased-Raj Banshi Manjhi has discharged the duties of the post held by deceased employee. Thereafter, Punyadeo Manjhi is also stated to have died on 02.06.2012. Arising out of these factual aspects, certain cases were stated to have been registered by the respondent no.1-Most. Sonamati Devi.

3. Be that as it may, it is undisputed that deceased-Raj Banshi Manjhi was appointed as a Chowkidar on 24.05.1980 on compassionate ground and he has discharged the duties of the post of Chowkidar upto 05.03.2004, the date on which he died. Resultantly, respondent no.1-Most. Sonamati Devi is entitled to retiral benefits of her late husband-Raj Banshi Manjhi and consequently Family Pension. In this regard, the State-appellants cannot withheld retiral beneifts of the deceased-Raj Banshi Manjhi and Family Pension of the respondent no.1-Most. Sonamati Devi. Therefore, the concerned authorities are hereby directed to prepare the pension papers and release the retiral benefits of deceased-Raj Banshi Manjhi and further Family Pension shall be calculated from the date of death of deceased-Raj Banshi Manjhi on 05.03.2004 and till date. The above exercise shall be completed by the concerned authorities and proceed to pass order of retiral benefits and Family Pension. Respondent no.1-Most. Sonamati Devi is entitled to interest on retiral benefits as well as arrears of Family Pension in the light of the Hon'ble Supreme Court decision in the case of **Vijay L. Mehrotra Versus State of U.P. and Others** reported in **(2001) 9 Supreme Court Cases 687**. It is a short order of the Hon'ble Supreme Court and it reads as under:

> "**1.** Special leave granted, limited to the question of granting of interest.
>
> **2.** The appellant retired from service on 31-8-1997. From the response filed by the respondent, it is clear that most of the payments of the retiral benefits to her were made long after she retired on 31-8-1997. The details of the payments so made are as under:

Sl. No.	Particulars	Amount paid	Date
(i)	GPF 90%	Rs 1,80,899.00	27-11-1997
(ii)	GPF 10%	Rs 20,751.00	25-4-1998
(iii)	GIS	Rs 13,379.00	27-2-1998
(iv)	Encashment of leave	Rs 41,358.00	27-9-1998

(v)	Arrears of pay	Rs 15,495.00	27-9-1998
(vi)	Gratuity	Rs 1,09,753.00	5-12-1998
(vii)	Commuted pension	Rs 20,484.00	5-12-1998
(viii)	Detained amount	Rs 45,000.00	5-11-1999

> **3.** In case of an employee retiring after having rendered service, it is expected that all the payment of the retiral benefits should be paid on the date of retirement or soon thereafter if for some unforeseen circumstances the payments could not be made on the date of retirement.
>
> **4.** In this case, there is absolutely no reason or justification for not making the payments for months together. We, therefore, direct the respondent to pay to the appellant within 12 weeks from today simple interest at the rate of 18 percent with effect from the date of her retirement, i.e., 31-8-1997 till the date of payments.
>
> **5.** The appeal is allowed to the above extent."

4. The above exercise shall be completed by the concerned official respondent within a period of two months from the date of receipt of this order, failing which respondent no.1-Most. Sonamati Devi is entitled to litigation cost and it is quantified at Rs.25000/-(Rupees Twenty Five Thousand). Cost shall be paid within a period of four months.

5. With the above observation, the present L.P.A. No.1043 of 2014 stands disposed of while modifying the order of the learned Single Judge dated 03.03.2014 passed in C.W.J.C. No.9498 of 2013 to the above extent.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
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