
(1994) 05 PAT CK 0006
In the Patna High Court
Case No : C.W.J.C. No. 9720 of 1993

Bageshwari Prasad Sinha

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 05-05-1994

Acts Referred:

Citation : (1994) 2 PLJR 13

Hon'ble Judges : S.K. Homchaudhuri, J;S.B. Sinha, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. The Petitioner in this writ application has prayed for issuance of a writ of or in the nature of mandamus directing the Respondents to pay all retiral benefit. Learned Counsel for the State as also Mr. Jaiswal appearing on behalf of A.G. Bihar have categorically stated that sanction order has been issued by the State of Bihar and Authority slip has been issued by the A.G. Bihar but according to the Petitioner actual payment of pensionary benefit has not been made.

2. In this situation, we direct that entire payment must be made to the Petitioner by way of Account payee draft within two weeks from today. The Treasury Officer Patna must see to it that payment to the Petitioner be made within two weeks from the date of receipt of a. copy of this order. The Petitioner shall also be entitled to interest on the entire arrear amount at the rate of 9% per annum apart from the statutory interest payable to him from due date till actual date of payment. The said amount of interest upon calculation may also be paid to the Petitioner within one month from the date of receipt of a. copy of this order.

3. The Petitioner submits that in view of the fact that his paper for commutation of pension has not been processed within a period of one year owing to laches and negligence on the part of the authority of the State of Bihar, the said formality be waived. It is not disputed at the Bar that in terms of Annexure-13 State of Bihar may relax the said requirement.

4. In this view of the matter, we direct that the Petitioner in this situation may not have to submit himself for medical investigation. The application for commutation of pension filed by the Petitioner may be processed and order in relation thereto may be passed within a period of one month from the date of receipt of a copy of it his order.

5. The Petitioner has also contended that although he has received draft for Rs. 1,40,721/-towards Provident Fund but he has not been supplied the details thereof. If the Petitioner files a representation before the District Provident Fund Officer in this regard, the Petitioner must be furnished with the details within one week from the date of said representation. It is made clear that in the event the Petitioner contends that he was entitled to a higher amount or there exists some mistake in the calculation of deposit in his Provident Fund amount, the Petitioner may raise such issue in future.

6. This application is allowed with the aforesaid directions.

7. Let a copy of this order may be handed over to Mr. Karn as also Mr. Jaiswal.