

(2010) 02 PAT CK 0023
In the Patna High Court

Kusum Devi

APPELLANT

Vs

The Bihar State Electricity Board and Others

RESPONDENT

Date of Decision : 18-02-2010

Acts Referred:

Citation : (2010) 02 PAT CK 0023

Hon'ble Judges : Jyoti Saran, J

Bench : Single Bench

Judgement

Jyoti Saran, J.—Mr. Ajey Kumar, learned Counsel appearing on behalf of the petitioner and Mr. Akhileshwar Prasad Singh, learned Junior Counsel to Mr. Vinay Kirti Singh, learned Counsel representing the Board are present.

2. The petitioner happens to be the wife of late Bhagat Rai Yadav who superannuated from the post of Lineman with effect from 31.10.2002, has filed the writ petition for payment of the retiral benefits admissible to her late husband. The petitioner has also challenged the order as contained in memo No. 722/Muz. Dated 5.2.2004 (Annexure-5) which is an order authorizing payment of gratuity to the petitioner to the tune of Rs. 1,89,337/- but under the same order a further stipulation has been made with regard to recovery, of an amount of Rs. 81,425.71 said to have been drawn by the petitioner during his overstay in office as according to the respondent Board though the petitioner stood retired on 30.4.2002 but he illegally remained in service from 1.5.2002 until 31.10.2002 and thus, the salary drawn by him during the said period was not in accordance with law and recoverable and which was recovered under the gratuity payment order dated 5.2.2004 (Annexure-5).

3. In so far as the recovery order as contained in Annexure-5 is concerned, it is noted that by order dated 18.9.2007 passed in the present proceedings, an opportunity was granted to the petitioner to challenge the recovery before the concerned competent authority, i.e. respondent No. 3, the Secretary Bihar State Electricity Board, Patna by filing appropriate representation in this regard.

4. In so far as other dues are concerned, a counter affidavit has been filed today and in para-5 thereof, the details of the payment made to the petitioner by way of arrears of pension, gratuity, G.P.F, Groups Savings Scheme and leave encashment, has been brought on record.

5. Learned Counsel for the petitioner submits that the petitioner is entitled to interest on the belated payment of G.P.F. and Group Savings Scheme amounts for the reasons that although the said amounts became due to be paid to the husband of the petitioner in the year 2002 on the date of his retirement but the same has been paid belatedly. He submits that from the statements of the respondents themselves the GPF amount was paid on 27.2.2004 and Group Savings Scheme amount was paid on 21.7.2006 and thus under the rules, he is entitled to claim interest for the belated payment.

6. Having regard to the circumstances that the entire post retiral dues as found admissible to the petitioner, have been paid by the Board, no useful purpose would be served in keeping the writ petition pending.

7. In view of the liberty granted to the petitioner under the order passed by this Court on 18.9.2007 giving her opportunity to raise her grievance before respondent No. 3 in relation to recovery effected under the Gratuity Payment Order, the petitioner may also raise her grievance in relation to interest on the belated payments of GPF and the amount towards Group Savings Scheme in the same representation and which shall also be considered by the authorities and if the claims as advanced by the petitioner by way of refund of the gratuity amount and towards interest is found admissible and supported with rules, the same should be paid to her within three months from the date of receipt of the representation.

8. Needless to add that if the claims aforementioned are not found admissible to the petitioner, it should be rejected by a speaking order.

9. The writ petition is disposed of.