

(2017) 11 PAT CK 0029

In the Patna High Court

Case No : 7998 of 2016

Most. Nirmala Singh W/o Late Harandra

APPELLANT

Vs

The State of Bihar.

RESPONDENT

Date of Decision : 16-11-2017

Acts Referred:

Citation : (2017) 11 PAT CK 0029

Hon'ble Judges : Ahsanuddin Amanullah

Bench : SINGLE BENCH

Final Decision : Disposed off

Judgement

1. Heard learned counsel for the petitioner and State.

2. The petitioner has moved the Court for the

following relief:

"That this an application for issuance of a writ in the nature of mandamus directing the respondents to made the payment of Gratuity, Earned leave amount and G.P.F. amount of the deceased husband of the petitioner alongwith penal interest at market rate till the date of final payment and also to make the payment of compensation, cost and damages for causing mental and physical harassment to the petitioner due to financial loss in making delay in sanctioning and payment of aforesaid retiral dues of her deceased husband for a long period after his death".

3. The admitted facts are that the husband of the

petitioner died in harness while working as Assistant Teacher in

Thirhut Academy, Muzaffarpur on 10.11.1996. Thereafter, the

petitioner has till date not got payment of gratuity, earned leave and

G.P.F. The late husband of the petitioner was in service from 1980.

4. The stand in the counter affidavit is that various information was required and the Headmaster of the concerned school had not furnished the same for which show cause has also been issued to him. From the materials available on record, it appears that the authorities have come into action only after more than 20 years i.e., in the year 2017.
5. The admitted position again is that whatever information is required, was to be furnished by the authorities in which the petitioner has no role to play.
6. Even after 21 years, gratuity, earned leave and G.P.F. not being paid is an unacceptable position.
7. Accordingly, the Court directs the Principal Secretary, Department of Education, Patna to look into the matter and fix responsibility on the person concerned and also ensure that the remaining admitted dues of the petitioner are paid to her within two months from the date of production of a copy of this order before him. The petitioner shall also be paid Rs. 1,00,000/- by way of compensation which shall be recovered from the officers concerned on whom the Principal Secretary, Department of Education shall fix responsibility.
8. The writ petition stands disposed off in the aforementioned terms.
9. It goes without saying that the amount of G.P.F. shall be paid along with the statutory interest.