
(1987) 04 PAT CK 0012

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 831 of 1985 (R)

Mushtari Khatoon and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 16-04-1987

Acts Referred:

Citation : (1988) PLJR 998

Hon'ble Judges : Satyeshwar Roy, J

Bench : Single Bench

Advocate : M.S. Anwar and A. Allam, for the Appellant; S.K. Chhatopadhaya, Shakhar Sinha, for the Respondents No. 1 to 4, Debi Prasad, (S.C. to Central Govt.) and A. Sahay, (J.C. to S.C. Central Govt.), for the Respondent No. 5, for the Respondent

Judgement

Satyeshwar Roy, J.—This is one of those unfortunate cases where because of the callous attitude of the officers of the State Government, Syed Ali Mazhar, who was made to superannuate, as alleged by the petitioners, on 10.4.1980 did not receive his Provident Fund, Gratuity and other post retirement benefits during his life time nor the benefits were given to his widow and his other representatives till date. Syed Ali Mazhar, who was superannuated on 10.4.1980 died on 12.4.1984. This writ application was filed on 24.7.1985. Syed Ali Mazhar was working as Sanitary Inspector in Churchu block in the district of Hazaribagh, under the administrative control of the Civil Surgeon-cum-Chief Medical Officer, Hazaribagh (respondent No. 3). According to the petitioners, the date of birth of Mazhar was 26.12.1924 and he was due to retire on 31st December, 1982. The respondents, however, changed the date of birth in the service book of Syed Ali Mazhar to his disadvantage and forced him to retire on 10.4.1980 Further, according to the petitioners, no post retirement benefit was given to Mazhar nor any such benefit including family pension was given to the petitioners i.e. his widow and children.

2. No counter affidavit has been filed on behalf of the respondents. However,

during the pendency of this writ application, by order dated 8.4.1986 a direction was given to respondent No. 3 to take all necessary steps for payment of post retirement benefit within one month. That was not complied. A proceeding for contempt was drawn up against respondent No. 3. Respondent No. 3 filed his show cause. He annexed copy of the letter dated 14.5.1986 marked as Annexure-B to the show cause, the letter sent by respondent No. 3 to the Deputy Accountant General (E) Bihar, Patna. By Annexure-B, the Deputy Accountant General (E), Bihar, Patna was informed that all necessary papers were sent to his office and was requested to expedite the matter. From Annexure-B it is not clear when all necessary papers were sent to the Deputy Accountant General (E) Bihar, Patna, but it appears that perhaps it was sent sometime in April, 1986. Respondent No. 2, the Regional Deputy Director of Health Services, North Chotanagpur Division, Hazaribagh, respondent No. 3, the Civil Surgeon-cum-Chief Medical Officer, Hazaribagh respondent No. 4, the Medical Officer, Incharge, Chuichu Block, district Hazaribagh and respondent No. 5, the Accountant General, Bihar, Patna are directed to arrange to make payment of all post retirement benefit which Syed Ali Mazhar was entitled to receive and which petitioner No. 1, his widow is entitled to receive by 22nd of May, 1987.

3. So far the date of birth of Syed Ali Mazhar is concerned, in view of the fact that the petitioners may find it difficult to pursue the matter, it was not pressed.

4. The respondent No. 1, the State of Bihar shall pay interest at the rate of 12% per annum on the amount that may be found due and payable to the petitioners from 10.4 1980 till the date of payment. The State of Bihar shall also pay a sum of Rs. 10,000/- (Rupees ten thousand) as cost and compensation to petitioner No. 1, the widow of Syed Ali Mazhar. This amount also be paid by 22nd of May, 1987. If there be any default in complying with any part of the order, appropriate action will be taken against the officers who ere now holding the posts of respondents No. 2, 3, 4 and 5.

5. Many cases are filed in this Court making grievance that the post retirement benefits have not been received. It is high time that the State Government shall take appropriate steps in this matter and try to fix the responsibility for the delay in paying the benefits. The State Government shall be entitled to recover Rs. 10,000/- and also the interest from any of the officers who may be found guilty.

6. In the result, this application is allowed with the observations and directions as indicated above. The Registry shall give a copy of this order to the Government Pleader No. I and J.C. to S.C.C.G. who are appearing on behalf of the respondents by 17th of April, 1987, for compliance.