

(1999) 09 PAT CK 0032
In the Patna High Court
Case No : C.W.J.C. No. 11773 of 1998

Satya Narayan Yadav and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 15-09-1999

Acts Referred:

Citation : (1999) 3 PLJR 693

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Advocate : Gyan Prakash, for the Appellant; Sushila Sharma for the State and Mr. Arvind Kumar Pandey, for the Respondent

Judgement

Radha Mohan Prasad, J.—Heard Learned Counsel for the parties. In this writ petition the grievance of the original petitioner, namely, Shiv Pujan Rai, was that though he superannuated on 31.3.1993 from the service of Chapra Municipality, he was not paid his post retirement dues such as provident fund, gratuity, leave encashment, pension, bonus, arrears of pay and also difference of pay from 1989 to 1993 with statutory interest. However, the original petitioner died during the pendency of the writ petition and on substitution of his heirs and legal representatives, vide order dated 30th April, 1999, the present petitioners are pursuing the claims raised in the writ petition.

2. A counter affidavit has been filed on behalf of the Special Officer, Chapra Municipality (respondent No. 4) in which it is stated that the account of retirement dues of the original petitioner has already been prepared and the respondent authority is ready to pay all the lawful dues to his legal heirs. It is further stated that the respondent authority in compliance of the order dated 1.9.1999 of this Court sent a letter to one of the petitioner vide memo no. 714 dated 4.9.1999 (Annexure 4) asking him to submit death certificate of the original petitioner as well as the certificate of his legal heirs. It is submitted that soon after receipt of the papers/documents aforementioned, the payment will be made to the legal heirs.

3. Learned Counsel for the petitioners on oral instructions submits that the necessary affidavits have been filed before the Special Officer for release of the payment. It is further submitted on behalf of the petitioners that since the original petitioner retired long back on 31.3.1993 and ultimately died without getting the payment of the admitted dues, they are entitled for heavy interest and cost as well.

4. No valid justification has been pleaded on behalf of the Municipality for withholding the payment for now almost six and half years. Having regard to the said facts, the writ petition is disposed of with a direction to the Special Officer, Chapra Municipality (respondent No. 4) to release the payment of the admitted dues soon after the necessary papers are produced by the petitioners in support of their claim. The petitioners will be entitled for interest at the rate of 10% per annum from due date till the payment is made which shall also be calculated and paid to them along with the principal amount of dues. The petitioners shall also be entitled for cost of Rs. 5,000/- (five thousand), which shall also be paid along with the said amount within two weeks of the receipt/production of a copy of this order. The respondent No. 4 is directed to supply the details of the account to the petitioners.