
(2010) 04 PAT CK 0177
In the Patna High Court
Case No : CWJC No. 11615 of 2005

Smt. Kunti Devi

APPELLANT

Vs

Bihar State Electricity Board and Others

RESPONDENT

Date of Decision : 28-04-2010

Acts Referred:

Citation : (2010) 04 PAT CK 0177

Hon'ble Judges : Jyoti Saran, J

Bench : Single Bench

Judgement

Jyoti Saran, J.—Mr. R.K. Sinha, for the petitioner and Mr. Vijay Kumar Verma, learned Junior counsel to Mr. Vinay Kirti Singh representing the Board are present.

2. The petitioner is the widow of Late Chhotan Prasad Sinha, who died in harness on 11.2.2001, being electrocuted while on duty. The petitioner has enclosed the letter of the Medical Officer dated 7.5.2001 and the certificate of the Civil Assistant Surgeon dated 8.12.2001 certifying the reasons of death.

3. The petitioner moved this Court for payment of death compensation, gratuity, arrears of pension, medical claims, revised leave encashment as per new scale as also interest over G.P.F. amount and the Group Savings Scheme amount.

4. Mr. Sinha, appearing on behalf of the petitioner, admits to the payment of the entire death cum retiral claims except interest on belated payments of the dues as also the compensation amount in terms of the resolution of the Board contained in resolution No. 13-Meeting-/1008/88/244 dated 30.6.1988 placed at Annexure-14 of the rejoinder to the counter affidavit. Learned Counsel submits that though the husband of the petitioner died in harness as back as on 8.12.2001 but the gratuity amount was paid only on 11.2.2006, i.e. after a delay of five years. He further submits that the even the G.P.F. and G.S.S. amounts have been paid belatedly and for which the petitioner is entitled for interest admissible thereon as per the circulars of the Board.

5. In so far as the claim of the petitioner for interest on belated disbursement of the gratuity, G.P.F. and Group Savings Scheme claim(s) are concerned, the petitioner may raise his claim before respondent No. 1 the Secretary of the Board enclosing the circulars of the Board prescribing the interest on gratuity, G.S.S. and G.P.F. and which shall be considered and disposed of by the Secretary in accordance with law.

6. In so far as the payment of compensation is concerned, Mr. Sinha referred to paragraph 3(iii) of the resolution dated 30.6.1988 (Annexure-14) which prescribes that the pensioner would continue to draw family pension equivalent to the salary drawn by the deceased employee and which would include the basic pay, D.A., additional D.A. together with interim relief from the date of accident until the date of normal superannuation of the deceased employee and whereafter the widow would draw family pension in terms of the rule.

7. Mr. Sinha submits that in addition thereto, there is further stipulation in para-3(ii) prescribing for payment of compensation to the extent of Rs. 2 lacs. It is thus submitted that the petitioner in addition to interest aforesaid is also entitled for the benefits in terms of the resolution dated 30.6.1988.

8. The petitioner, while maintaining her representation on the issue of interest, shall also be at liberty to raise her grievance before the Secretary enclosing the resolution dated 30.6.1988 as also the relevant documents certifying the death by way of electrocution on duty and the Secretary would consider the grievance/claim of the petitioner in the backdrop of its circumstances as also stipulations of the resolution and if the petitioner is found entitled for payment of the amounts, in terms of paragraph 3(ii) and 3(iii) of the resolution dated 30.6.1988, the same should be paid to her.

9. In case the Secretary does not find the claim justified, he should dispose of the same by a reasoned order. In either of the situation, the claims be disposed of within a period of three months from the date of receipt/production of a copy of this order.

10. The writ petition is disposed of with the direction aforesaid.