
(2005) 02 JH CK 0020

In the Jharkhand High Court

Case No : Writ Petition (S) No. 666 of 2005

Smt. Vijay Bala Sinha

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 16-02-2005

Acts Referred:

Citation : (2005) 2 JCR 337

Hon'ble Judges : S.J. Mukhopadhaya, Acting C.J.

Bench : Single Bench

**Advocate : Rajiv Nandan Prasad and Gyanendra Kumar, for the Appellant;
Shamim Akhtar, S.C. II, for the Respondent**

Judgement

S.J. Mukhopadhaya, A.C.J.

1. This application has been preferred by petitioner for direction on respondents to pay her death-cum-retrial benefits such as family pension, gratuity, leave encashment, group insurance amount, G.P.F. etc. to which she is entitled after the death of her husband, late Hari Shankar Prasad as also the arrears of salary for the period from 27th February, 2003 to 18th February, 2004 during which he was posted in the Adityapur Notified Area Committee.

2. According to petitioner, her husband, late Hari Shankar Prasad, was a permanent Government servant working as Junior Engineer in the Water Resources Department. During the period 27.2.2003 to 18.2.2004 he was posted in the Adityapur Notified Area Committee, Jamshedpur but was not paid salary. While in service, he was murdered on 18.2.2004 but, thereafter the death-cum-retrial benefit to which she is entitled was not paid to her.

3. Counsel for the petitioner submitted that the period from 27.2.2003 to 18.2.2004 during which the husband of the petitioner was posted at Adityapur Notified Area Committee, Jamshedpur has now been regularized by the State vide officer order No. 145, dated 10th January, 2005 but the benefit has not been released.

4. Having heard counsel for the parties and as the matter firstly requires determination by the authority, the case is remitted to the Commissioner-cum-Secretary, Water Resources Department, Government of Jharkhand, Ranchi who will enquire into the matter and pass appropriate order. If any amount is found payable to the widow of late Hari Shankar Prasad towards the retirement benefit and other dues, the respondents will pay it to the widow of late Hari Shankar Prasad within a period of three months from the date of receipt/production of a copy of this order failing which they shall be liable to pay interest at the rate of 5 per cent on the admitted retrial benefits from the date of death of the employee.
5. The authority will also decide whether the deceased employee was entitled for any other benefits such as benefit under ACP scheme, ex-gratia payment etc. and thereby, the widow is entitled for any consequential monetary benefit or not within the aforesaid period.
6. The writ petition stands disposed of with the aforesaid observations/directions.