

(2010) 01 PAT CK 0038
In the Patna High Court

Surendranath Banerjee

APPELLANT

Vs

The Bihar State Electricity Board and Others

RESPONDENT

Date of Decision : 12-01-2010

Acts Referred:

Citation : (2010) 01 PAT CK 0038

Hon'ble Judges : Jyoti Saran, J

Bench : Single Bench

Judgement

Jyoti Saran, J.—Mr. Ashok Kumar for the petitioner and Mr. Dharmeshwar Mishra for the Board are present.

2. The petitioner had filed this writ petition for payment of his retiral dues having retired from the post of Account Assistant w.e.f. 30.4.2005.

3. A counter affidavit was filed on behalf of the Board on 16.2.2009 and in which it was stated that the pension had been sanctioned in favour of the petitioner and was being paid regularly but there was some difficulty in the sanction of gratuity as some discrepancy had been found regarding the pay fixation of the petitioner. It was stated that the GPF amount had been paid and the payment of the amount of leave encashment was under process.

4. Mr. Dharmeshwar Mishra, learned Counsel appearing for the Board submits that even the leave encashment amount which was earlier remained pending has since been paid to the petitioner.

5. Learned Counsel for the petitioner submits that he is eligible for payment of interest on the belated payment of the provident fund amount which has been provided to him after some delay.

6. In so far as the interest on belated payment of GPF amount is concerned, the petitioner, if so advised, may raise his claim before the Director Accounts (Terminal Benefits), who shall consider the same and if the claim of the petitioner is found to be justified and in accordance with law, then the necessary payment

may be made within six weeks from the date of filing of the representation.

7. A supplementary counter affidavit has been filed on behalf of the Board, copy whereof has also been served on the learned Counsel for the petitioner, and in which it has been stated that upon verification of the service book of the petitioner, some discrepancy had been found in the pay fixation of the petitioner and for which a show cause is being issued as to why the sum be not recovered from him.

8. Learned Counsel for the Board thus submits that the petitioner may respond to the notice to be issued in this regard by the Board and which shall be considered and disposed of by a speaking order, in accordance with law.

9. In view of the position that the admissible dues to which the petitioner was found entitled has been paid to him, the question of legality or illegality of the proceedings of recovery which is yet to be initiated against the petitioner can not be considered in the present proceeding.

10. This writ petition is thus disposed of with a liberty to the petitioner to assail the decision of the concerned authority of the Board on the issue of recovery if the same ultimately is decided against him.