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**(2008) 03 JH CK 0005**

**Jharkhand High Court**

**Case No:** None

Sujit Kumar Baskey

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

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**Date of Decision:** March 13, 2008

**Citation:** (2008) 3 JCR 342

**Hon'ble Judges:** Amareshwar Sahay, J

**Bench:** Single Bench

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### **Judgement**

@JUDGMENTTAG-ORDER

Amareshwar Sahay, J.

Heard the parties and with their consent this application is being disposed of at this stage itself.

2. The prayer of the petitioner in this writ application is for direction to the respondents/authority to pay Post Retiral Benefits which is payable to the employee, such as Family Pension, Gratuity. Group Insurance cheme. Encashment of unused Earned Leave and General Provident Fund with up to date interest and the applicant also prays for a direction upon the respondents/authority to pay Penal Interest in Bank rate for deliberately delaying from the date of death of his mother to actual date of payment.

3. The petitioner's mother died on 15.2.2004 in harness. The grievance of the petitioner is that up till now the death-cum-retiral benefit of his mother has not been paid to him in spite of the fact that he has already submitted the succession certificate.

4. A counter affidavit has been filed on behalf of respondent No. 5. In para 9 of the counter affidavit it has been stated that so far as family pension is concerned, as per the law, the same is not payable to the petitioner since he has already attain the age of majority but the other lawful death-cum-retiral benefits of late Sakanti Hansda

have been released in favour of the petitioner and the same is communicated to him vide letter No. 1274 dated 16.10.2007. A copy of which has been annexed as Annexure-A to the counter affidavit.

5. Considering the facts and circumstances of the case, this writ application is being disposed of by directing the District Superintendent of Education, Deoghar (respondent No. 5) to see that the legal dues of the petitioner, as stated in the counter affidavit, is paid to him as early as possible preferably within a period of four weeks from the date of receipt/production of a copy of this order. With these observations and directions, this writ application is disposed of.