(1999) 3 BLJR 1847

Patna High Court

Case No: C.W.J.C. No. 10690/98

Radhika Kuar APPELLANT

Vs

State and Others RESPONDENT

Date of Decision: July 12, 1999

Citation: (1999) 3 BLJR 1847

Hon'ble Judges: Choudhary S.N. Mishra, J

Bench: Single Bench

Judgement

Choudhary S.N. Mishra, J.
This is one of the unfortunate cases which shows the callous and mala fide attitude on the part of the State-respondents in not paying the retiral dues to the petitioner who is the wife of the deceased-employee who retired from the service as Assistant Teacher as far back as on 31-10-82 and subsequently, died on 23-9-95. The widow has been dragged to this Court for payment of retiral dues legally payable to her husband. It is Submitted that till date nothing has been paid to the petitioner by way of retiral dues, though a letter had been issued to the Finance Department in this regard. In this case, no counter-affidavit has been filed on behalf of the State-respondents despite sufficient opportunity given to them. Accordingly, this writ application is being disposed of on the averments made therein. The details of the claim is set out in paragraph 19 of this writ petition which will speak for itself.

2. Accordingly, I direct the State-respondents to issue sanction order with respect to the admitted dues, legally payable to the petitioner, within two weeks from the date of receipt/production of a copy of this order and forward the same to the Accountant-General Bihar who will issue authority slip within two weeks therefrom. Simultaneously, the State-respondents will issue the statement of accounts to the petitioner showing the amounts sanctioned on different heads. If the petitioner is still aggrieved, it will be open for her to file a representation before the respondent-authority who will hear the representative of the petitioner and dispose of the same by a speaking order in accordance with law, without being prejudiced by the order of this Court, within

three weeks from the date of filing of such a representation. Pursuant thereto, if the claim of the petitioner is found to be genuine, a further sanction order shall be issued and forward to the Accountant-General forthwith who will issue authority slip within two weeks from the date of receipt of such sanction order. Since the petitioner has retired in the year 1982 and subsequently, died on 23-9-95 even the admitted dues has not been paid to the petitioner as yet, she is entitled to interest @ 10% per annum from the date of retirement till the date of respective payments along with cost assessed at Rs, 5,000/-. Both the amount of interest and cost shall be paid along with the principal amount within the time aforesaid. However, the respondent-State will be at liberty to realise the amount of interest and cost from the persons found responsible for delaying the payment.

3. This disposes of this writ application.