

Tetari Devi Vs. the State of Bihar and ors.

Tetari Devi Vs. the State of Bihar and ors.

SooperKanoon Citation : sooperkanoon.com/138084

Court : Patna

Decided On : Jun-27-2003

Judge : Radha Mohan Prasad, J.

Acts : Service Law

Appeal No. : C.W.J.C. No. 3308 of 2003

Appellant : Tetari Devi

Respondent : The State of Bihar and ors.

Judgement :

Radha Mohan Prasad, J.

1. The husband of the petitioner died in harness while posted as Assistant teacher in Primary School, Rajpara in the district of Arwal on 24-10-1991. Her grievance is that she has been kept deprived of the amount of G.P.F. for the period prior to 1976 and the remaining amount of gratuity of Rs. 1,000/- besides interest on differential amount of salary for the period 1-1-1971 to 31-3-1973.

2. A counter-affidavit has been filed on behalf of District Superintendent of Education, Jehanabad (respondent No. 3) and District Provident Fund Officer, Jehanabad (respondent No. 5). From the counter-affidavit filed on behalf of respondent No. 5 it appears that authority for Rs. 24,695 (Annexure-A) for

payment of G.P.F. for the period prior to 1976 with up-to-date statutory interest has been issued on 12-5-2003 in favour of District Superintendent of Education, Jehanabad. However, learned Counsel for the petitioner on instruction submitted that the said amount has not been paid to the petitioner.

3. Accordingly, this Court directs respondent No. 3 to ensure encashment and payment pursuant to the said authority within three days of the receipt/production of a copy of this order.

4. As regards gratuity, learned Counsel for the State has referred to the sanction order contained in Annexure-B to the counter-affidavit filed on behalf of respondent No. 3. According to the learned Counsel for the petitioner this amount has also not been paid to the petitioner. Accordingly, respondent No. 3 is directed to ensure payment of the said amount to the petitioner within three days. District Treasury Officer, Jehanabad shall also Co-operate in this regard.

5. As regards the claim for payment of interest on differential amount, learned Counsel for the State has ventured to submit that the petitioner is not entitled for the same and in this regard he has placed reliance on the order, contained in Memo No. 2207 dated 31-12-2002 issued by the Director, Primary Education, Bihar with a copy to all District Superintendent of Education of Bihar. I failed to appreciate as to how the said order of the Director is of any help to respondent No. 3. This question has been elaborately considered by this Court in the case of Paras Nath Singh and Bal Govind Sharma (C.W.J.C. No. 1292 and 1339 of 2003 disposed of on 18-4-2003). In the said case it has been held that all such teachers became entitled for statutory rate of interest as applicable for the G.P.F. on the amount of differential salary with effect from the date of Government resolution No. 763 dated 9-2-1973. It is not the case of the Respondents that the School in question was run by minority, TISCO or any other organisation. Under such circumstances, this Court finds no justification to deny interest on differential salary paid for the period 1-1-1971 to 31-3-1973.

6. Accordingly, respondent No. 3 is directed to issue necessary order and ensure payment of interest on differential salary in the light of the aforementioned order of this Court in the case of Paras Nath Singh and Bal Govind Sharma within three

days of the receipt/production of a copy of this order.

7. Writ application is, thus, disposed of with a direction that in case of non-compliance of any part of this order, the concerned authority shall be liable to pay cost of Rs. 1,000 from his pocket and the petitioner will be at liberty to file two pages affidavit for revival and for taking appropriate action.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com