

Chandra Bati Devi Vs. the State of Jharkhand and ors.

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Court : Jharkhand

Decided On : Feb-12-2009

Reported in : [2009(2)JCR293(Jhr)]

Judge : D.N. Patel, J.

Appellant : Chandra Bati Devi

Respondent : The State of Jharkhand and ors.

Judgement :

D.N. Patel, J.

1. The present writ petition has been preferred by the widow of the deceased employee of the respondent, mainly ventilating the grievance that she is not getting the retirement benefits upon death of her husband and upon his retirement.
2. I have heard, learned Counsel for the respondents. Learned Counsel for the State mainly submitted that case of the notification bearing No. 1982 dated 20th June, 2002, sizeable amount was required to be recovered from the husband of the present petitioner for any reason whatsoever, this amount was not recovered.
3. It appears that husband of the present petitioner retired from service of the State on 30th April, 1993, and he was expired on 23rd September, 2007. It is stated by the counsel for the State that sizeable amount, which is Rs.

4,46,534.60/- (Four Lakhs Forty Six Thousand Five. Hundred Thirty Four and Sixty Paisa) was to be recovered from the husband of the present petitioner and, therefore, she is not entitled to recover amount for family pension and such other benefits for which her husband was entitled after his retirement.

4. It appears that the respondents-State has waited for longer period for recovery of the aforesaid amount when the husband of the present petitioner was alive, concerned respondent authorities were lethargic at the relevant time. No care has been taken by those officers. They allowed the petitioner to enjoy all the retiral benefits. Husband of the petitioner retired on 30th April, 1993 and expired in September, 2007, even thereafter, no dues of aforesaid amount has been recovered.

5. It appears that Accountant General's letter has awakened the senses of those lethargic officers. Receiving this letter much hurry is shown by these officers for the recovery of the said amount. But looking to the decision rendered by this Court (Full Bench) in *Laxman Prasad Gupta v. The State of Jharkhand and Ors.* reported in 2007(4) JLJR 459, to the effect that necessary procedure ought to have been followed as envisaged under Rule 43(b) of Bihar (Now Jharkhand) Pension Rules, 1950. Unless, this procedure is followed by the respondent-State authorities, it has been held by this Court, that the amount can not be deducted by pensionary benefits. It has also been stated by the learned Counsel for the petitioner that it has also been held by this Court (Full Bench) in the case of *State of Jharkhand and Ors. v. Padmalochan Kalindi* reported in , that procedure ought to have been followed by the State before deducting the amount of dues from the pensionary benefits.

6. In view of the aforesaid judicial pronouncements, I hereby direct the respondent-State authorities to follow the procedure before deduction of the amount specially stated hereinabove in the judicial pronouncements and also as per the Bihar (Now Jharkhand) Pension Rules, 1950 and such other rules, regulations, policies, notification etc. applicable to the petitioner,; and, thereafter, they will finalize the amount of the retirement benefits as expeditiously as possible, practicable preferably within a period of 12 weeks from the receipt of this order.

In view of the aforesaid direction, this writ petition is disposed

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