Hira Devi Vs. State of Jharkhand and anr

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Court : Jharkhand

Decided On : Sep-17-2012

Appellant : Hira Devi

Respondent : State of Jharkhand and anr

Judgement :

IN THE HIGH COURT OF JHAKHAND,RANCHI Cont(C) No. 95 of 2009 Hira Devi . .. Petitioner(s) Versus State of Jharkhand and Ors. . . ..Respondent(s) CORAM :- HONBLE MR. JUSTICE P.P.BHATT For the Petitioner(s) : Mrs. M.M. Pal Sr. Advocate. For the State of Bihar : MR. S.P. Roy Advocate 18/17.9.2012 By order dated 5.9.2012 the respondents authorities were directed to undertake verification exercise required under requisite rules within a period of one week and the petitioner was also asked to cooperate with the Treasury Officer for necessary verification which was required to be undertaken by the Treasury Officer. Accordingly, the said exercise has been undertaken by the Respondent-Treasury Officer and Banker Cheque bearing No. 125382 dated 11.9.2012 issued by the S.B.I Araria for the month of August, 2012 amounting Rs.6075/- has been prepared in the name of the petitioner and the same has been handed over to the petitioner who is present before this Court and the petitioner has accepted the said cheque in presence of the learned counsel for the parties. The learned counsel appearing for the respondent-Treasury Officer has also handed over the Pension Payment Order to the learned counsel appearing for the petitioner and same has been passed over to the petitioner. Now so far as payment of arrear of Rs. 3,29,925/- for the period from 6.4.2007 to 31.7.2012 is concerned, the learned counsel appearing for the respondent-Treasury Officer referred to and relied upon Rule 239 of the Bihar Treasury Code 2011 which reads as follows :- 239. Unless the Government by general or special orders otherwise directs, a pension remaining undrawn for more than one year shall cease to be payable by the disbursing officer. If the pensioner afterwards appears, or a claim is presented on his behalf, the disbursing officer may make the payment, but the arrears cannot be paid without the previous sanction of the authority by whom the pension was sanctioned, to be obtained through the Accountant General, if (i) the pension in arrears is to be paid for the first time, or (ii) the amount in arrears exceeds Rs. 50,000/-. provided, however, that the amount above Rs. 50,000/-, but not exceeding Rs. 5,00,000/- is payable by the orders of the Collector. Provided further that if the pension remains undrawn for three years in the case of a service pension, or six years in the case of a political pension, it cannot be paid without the authority of the Accountant General . Note 1.- If the suspension of payment is attributed to error or neglect by any government servant, the Accountant General may direct payment of the arrears on his own authority. Note.2- In cases where the pension is sanctioned by the State Government, the payment of arrears pension under this Rule can be sanctioned by the Collector or the Head of Department. In view of the above position, the Treasury Officer has sent a letter to the office of Accountant General, Bihar Patna for obtaining sanction of the authority by whom the pension was sanctioned i.e. the Commandant, Jharkhand Armed Police-1(JAP-1),Doranda Ranchi. According to the learned counsel appearing for the Respondent-Treasury Officer, the said letter was sent on 10th September, 2012 when the petitioner present herself for verification and therefore, necessary direction is required to be given to the Respondent-State Government and more particularly to the Commandant, JAP-1 to process the matter with regard to grant of sanction for payment of arrear of pension. Therefore now the Treasury Officer shall see to it that previous sanction of competent authority i.e. the authority by whom pension was sanctioned is obtained through the office of the Accountant General and for this purpose necessary follow up action be undertaken by the Treasury Officer. It is also expected from the office of Accountant General that the matter shall be processed without any further delay and necessary sanction of the authority concerned be obtained for payment of arrears as also interest accrue on the said amount of arrear. Since much time has been lapsed in payment of legitimate dues of the widow- pensionery in getting family pension, therefore, necessary direction is required to be issued upon the respondents-authorities including the Sanctioning Authority that the process of grant of sanction be undertaken and completed within a period of three weeks from the date of this order and report thereof be submitted before this court on the next date. Put up this case on 10th October, 2012. It is clarified that since this court, while disposing of the W.P(S) no. 3604 of 2008, directed the Respondent-authority to make payment of pension along with arrear and interest without further delay and therefore, there should not be any ambiguity with regard to payment of statutory interest accrue thereon and it should also be paid along with arrears. Necessary direction is also required to be issued upon the Respondent Treasury Officer to transfer the pension payment order(PPO) of the petitioner to the office of the Treasury, Doranda, Ranchi from the Araria Treasury, Bihar. It is further clarified that the above transfer of PPO shall take place only after release of arrear and interest of the family pension so that petitioner may not have to face difficulties in setting family pension prospectively in future. Let a copy of this order be made available to the learned counsel appearing for the parties. Copy of this order be also send to the Accountant General, Jharkhand, so that direction issued by this court can timely be complied with. (P.P.Bhatt,J) SD