

**BIHAR HUMAN RIGHTS COMMISSION**  
**9, Bailey Road**

File No **BHRC/COMP.** 2568/10

Case of **JAYANT Kr. LAHIRI**

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The applicant, Jayant Kr. Lahiri, was an employee of the Bihar State Sugar Corporation. He served in the Directorate of Census Operations, Bihar at Patna on deputation. His services were returned to his present organization i.e. Bihar State Sugar Corporation vide office order dated 26.10.2004 of the office of the Directorate of the Census Operations Bihar with effect from 31.10.2004. He superannuated from service in the Corporation on 31.12.2004. However, many of the in-service benefits and retiral benefits were not paid to him – the main reason being the non-issuance of the Last Pay Certificate (L.P.C.) by the Directorate of Census Operations, Bihar, Patna. He filed writ petition (CWJC No.9887/2009) in the Patna High Court which was disposed of with favourable directions on 9.2.2010. The applicant submitted application for issuance of the LPC in the Directorate of Census Operations on 7/9.4.2010 but apparently the officials sat over the matter. He filed another application on 18.8.2010. It was only then that the LPC dated 1.9.2010 was issued on 6.9.2010.

Meanwhile, applicant had approached this Commission for intervention in the matter. On being asked the Directorate of Census Operations submitted report dated 8.11.2010 to the effect that the LPC has been sent to the applicant on 6.9.2010. In its order dated 22.12.2010 the Commission noticed that the report does not contain any explanation as to why the Department took so much time to issue the LPC which is normally done in routine. The Commission observed that non-issuance of the LPC caused avoidable hardships and harassment to the applicant for which he should be monetarily compensated. The compensation amount may be later recovered from the salary of the erring official. The Director, Census Operations, Bihar was asked to submit show-cause.

Show-cause dated 24.2.2011 under signature of Shri Ramesh Prasad, Assistant Director has been submitted which prima facie suggests that it is he who was responsible for the delay. Be that as it may, that is for the Director, Census Operations to ascertain. So far as the question of compensation is concerned, the letter dated 24.2.2011 does not explain why the Directorate took about six years to issue the LPC. The explanation, if any, is for the year 2010 when the Census Operations commenced. There is no explanation whatsoever for the earlier period between 2004 and 2009. It is a matter of regret that the Directorate took seven months to issue the LPC even after the High Court's order. It is not difficult to visualise the hardships and the harassment which the applicant apparently must have faced for non-payment of his in-service and retiral benefits on time.

The Commission is satisfied that the non-issuance of the LPC resulting in non-payment of the dues amounted to violation of the applicant's human rights for which he should be monetarily compensated.

The Commission in the facts and circumstances would award compensation of Rs. fifty thousand to the applicant. As observed in the order dated 22.12.2010 (supra), the amount should be paid at the first instance by the Director and may later be recovered from the salary of the concerned erring officer(s).

Compliance report be submitted within six weeks.

Copy of this order may be sent to the applicant, besides the Director, Census Operations, Bihar, State Cooperative Bank Building (Second Floor) Ashok Raj Path, Patna.

Justice S.N. Jha  
Chairperson