

BIHAR HUMAN RIGHTS COMMISSION
9, Bailey Road, Patna – 15

File No **BHRC/COMP.97/10** with 2124/10

Case of **RAGHUNANDAN SAH**

The proceeding in these two files relates to retiral dues of Raghunandan Sah – applicant in file no.97/10 – of village Bhattechak Mach Gaon within Shambuganj Block/P.S. of Banka District. Applicant in file no.2124/10, Mritunjay Kumar, is his son.

Raghunandan Sah (hereinafter referred to as the applicant) retired as Male Village Worker (Sathi) from Primary Health Centre, Shambhuganj, district Banka on 31.1.2009. He filed application before the Commission complaining of non-payment of amounts of group insurance, unutilised leave salary and Provident Fund dues. On receipt of notice and during pendency of the proceeding, payments were made as under:-

| S.No. | Item | Amount | Date |
|--------------|-------------------------|---------------|-------------|
| 1. | Group Insurance | Rs.1,15,205 | 29.05.2010 |
| 2. | Unutilised Leave Salary | Rs.1,13,654 | 25.05.2010 |
| 3. | Provident Fund | Rs.3,30,274 | 17.03.2011 |

On the direction of the Director-in-Chief of Health Services vide his letter no.447(12) dated 11.5.2010, the Civil Surgeon-cum-Chief Medical Officer, Banka submitted the report blaming the then Medical Officer, Incharge, Primary Health Centre, Shambhuganj, Dr. (Smt.) Anju Turiar and the Office Clerk Shri Sudhir Kr. Thakur. Being of the view that the delay in finalisation of the retiral dues warrants payment of compensation which may be recovered from the salary of the officials responsible for the delay, notice was issued to Dr. Anju Turiar and Shri Sudhir Kr. Thakur in terms of the provisions of section 16 of the Protection of Human Rights Act. Pursuant to notice they appeared and filed their show-cause blaming partly the Civil Surgeon-cum-Chief Medical Officer, Banka and two clerks of the Primary Health Centre, namely Shri Prakash Narayan Paswan and Shri Suresh Kumar Paswan.

The matter was finally heard on 6.9.2010 in presence of the applicant's son Mritunjay Kr. Additional CMO, Banka, Dr. Ramashish Kumar and Dr. Smt. Anju Turiar & Shri Sudhir Thakur. They reiterated their stand giving clean chit to themselves and blaming the office including the Civil Surgeon-cum-CMO. In a nutshell, there is a blame game – which is the usual phenomenon in government departments in such matters.

Blame-game notwithstanding, the fact remains that the applicant has been paid the retiral dues after inordinate delay. In the meantime, he suffered paralysis and haemorrhage – justifiably said to be due to stress and hardships on account of non-payment of his rightful claims – which has made him cripple and bed-ridden. There cannot be any dispute the retiral dues should be paid to an employee soon after his retirement and where this is not done, without any justifiable reason, a case of human right violation is made out as the person is deprived of his right of livelihood. Observing thus the Commission in its order dated 20.4.2011 took the view that the delay warrants awarding of compensation. The Commission cannot undo the hardships which the applicant suffered on account of non-payment of dues but his woes can be somewhat made good by awarding monetary compensation.

The Commission made an attempt to sift the papers produced by the noticees in support of their respective claims so that the responsibility can be fixed and compensation may be recovered from their salary but found it difficult to reach any conclusion on the point. The Commission would leave it to the government to identify the persons responsible for the delay and recover compensation from their salary. So far as the applicant is concerned, he has nothing to do with the inter se role of the officials, for, he was entitled to timely payment of his retiral dues. There is no suggestion or indication that there was anything amiss in his service career/record to justify any enquiry or withhold payment of any amount whatsoever. The non-payment was clearly the cumulative result of lack of awareness and indifference on the part of the office and the concerned officials. The applicant is accordingly held entitled to compensation – which in the facts and circumstances is quantified at rupees fifty thousand.

The Commission accordingly directs the State Government through the Secretary, Department of Health to pay to the applicant the sum of fifty thousand as compensation recoverable from the salary of the concerned officials as mentioned above and submit compliance report within six weeks.

Copy of this order may be sent to (i) Secretary, Department of Health, (ii) Director-in-Chief, Health Services, Bihar, (iii) applicant and also (iv) Dr. (Smt.) Anju Turiar and (v) Shri Sudhir Kr Thakur for compliance and information, as the case may be.

Justice S.N. Jha
Chairperson