

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

File No **BHRC/COMP.** 1194/12

Case of **RAM JANAM PASWAN**

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The complaint relates to pension payable to Ram Janam Paswan (resident of village Bheraria P.S. – Paliganj, District Patna) and after his death, to his wife Monaka Devi, applicant herein, as family pension.

Ram Janam Paswan, on his retirement, was paid pension by the Dhanbad Treasury up to 30.4.2010. At the time of his retirement, apparently, he was posted in Jharkhand state. It appears that his pension case was transferred to Accountant General, Bihar and a fresh authority slip (pension intimation memo) for payment of pension @ Rs.8655 per month from 1.5.2010 was issued by the office of the Accountant General (A & E) Bihar to Treasury Officer, Danapur on 24.10.2010. Payment however was not made/resumed. In the meantime, Ram Janam Paswan died on 22.2.2012. Naturally, applicant Monaka Devi thereafter become entitled to family pension. It is the case of the applicant that Ram Janam Paswan visited the office of the Danapur Sub-Treasury times without number between January 2012 and February 2012 but nothing happened.

On notice the office of Accountant-General (A& E) submitted report and the applicant filed her response thereto. It transpired that Treasury Officer, Sub-Treasury Danapur had made certain queries from the Senior Accounts Officer, Office of the Accountant General in the matter. The Commission took the view, prima facie, that the matter was being unnecessarily delayed entitling application to compensation recoverable from the salary of the officials concerned, and observing thus vide order dated 21.8.2012, the Commission fixed the case for oral hearing. Notices were issued to Senior Accounts Officer, Office of the Accountant General (A & E) Bihar, the Treasury Officer Danapur, besides the applicant, to cause appearance on the date of hearing.

The case was taken up for hearing on 24.9.2012 in presence of Sri Rajendra Prasad who appeared on behalf of the applicant, Sri Kusheshwar Pandit, Senior Accounts Officer, Office of Accountant General (A& E) Bihar and Sri Chandra Prakash, Treasury Officer, Danapur.

Sri Chandra Prakash admitted that there has been delay but took a plea that as there was discrepancy between the date of retirement of Ram Janam Paswan and the effective date of payment of pension, in good faith he had made query from the Accountant General. The Commission is of the view that PPO/Authority Slip having been duly received from the office of Accountant General, the Treasury Officer had no business to make any enquiry as to

entitlement of the applicant to receive pension/family pension – as the case may be – from a certain date. It need hardly be emphasised that Accountant General is the final authority in the matter of sanction of pension/family pension – among other things – which is not supposed to be questioned by the officer making payment. He is merely supposed to act as per the authority slip issued to him. Senior Accounts Officer representing the Accountant-General endorsed the view of the Commission.

Sri Chandra Prakash submitted that Ram Janam Paswan during his lifetime, and after his death applicant Monaka Devi were required to present themselves for necessary verification and signature on the bills but they did not appear despite notice, and therefore the applicant cannot complain of any delay and claim compensation.

From the documents brought on record along with report of the Treasury Officer it appears that the PPO dated 24.12.2010 was received in the Danapur Treasury on 24.2.2011. Ram Janam Paswan was issued notice to appear and produce papers for onward action on 29.11.2011 i.e. after nine months. Nothing has been brought on record to show that between 24.2.2011 and 29.11.2011 any such notice was issued. Thus even if it is conceded that the applicant or her husband – while he was alive – were required to appear before the Treasury Officer, it is clear that notice was issued after over nine months of the receipt of the Pension Payment Order (PPO). The communication seeking clarification from the Senior Accounts Officer, Office of the Accountant-General was made on 18.7.2012 i.e. after another eight months. The Commission therefore finds that there were laches on the part of the Treasury Officer which have not been explained. It is difficult to believe that Ram Janam Paswan would not have visited the office during this period prior to his death on 22.2.2011.

It is the admitted position that pension bill was finally sanctioned by the Treasury and sent to the Bank for the sum of Rs.3,06,444/- on 18.9.2012 i.e. after gap of over 28 months of the last payment by Dhanbad Treasury, 20 months of the issuance of the Pension Payment Order by the Accountant General, Bihar and 18 months of receipt of the Pension Payment Order in the Danapur Treasury. There being no satisfactory explanation for the delay the Commission is of the view that the applicant should be paid compensation. Non-payment of pension like salary to serving employees adversely affects the pensioner's right to life and amounts to violation of his and his dependant's human rights. In the facts and circumstances, the Commission would quantify the amount of compensation at rupees fifty thousand. As there were laches on behalf of the Treasury Officer, Danapur, the amount may be recovered from him.

In the result, the Commission directs District Magistrate, Patna to pay within six weeks compensation of rupees fifty thousand to the applicant with

liberty to recover the amount from the salary of the Treasury Officer, Sub-Treasury, Danapur.

Put up in the third week of November 2012 awaiting compliance report.

Copy of this order may be sent to (i) District Magistrate, Patna (ii) Treasury Officer, Sub-Treasury Danapur and (iii) the applicant.

Copy may also be sent to Senior Accounts Officer, office of Accountant General (A & E) Bihar, Patna for information.

Date: 24.09.2012

Justice S.N. Jha  
Chairperson