

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4849 of 2015

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Raj Kishor Prasad S/o Late Lakhan Lal Resident of Flat No. 34 Ajay Nilyan Apartment, Parmanand Path, Nageshwar colony Boring Road Patna, P.S. Sri Krishna Puri District- Patna.

.... Petitioner

Versus

1. The State of Bihar
2. The Chief Secretary, Government of Bihar Patna.
3. The Principal Secretary, General Administrative Department Govt. of Bihar, Patna.
4. The Deputy Secretary, General and Administrative Department Govt. of Bihar, Patna.
5. The Commissioner Madagh Pramandal, Gaya.
6. The Disrtrict Collector Arwal
7. The Accountant General, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh, Adv.
For the Respondent/s : Mr. Awanish Nandan Sinha, GP11
For the A.G. : Mr. V.N.Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 05-05-2015 Heard learned counsel for the parties as with regard to the following relief prayed in this writ application:

“Directing and commanding the respondent to pay retiral dues of petitioner such as arrear of salary, leave encashment, G.P.F. amount, gratuity, pension and other dues to the petitioner with compound interest as petitioner after serving the Department satisfactorily, retired on 30.11.2014 from the post of Additional Collector Arwal from District Arwal.”

Learned counsel for the petitioner at the outset has submitted that since the claim of arrear of salary is not retirement benefit, he may be allowed to pursue the remedy for receiving

payment of arrear of salary before the competent authority/ court.

Considering the subject matter of this writ petition and the roster of this Court such a prayer in respect of claim of payment of arrears of salary is allowed and the petitioner may now move before the appropriate authority/ court for claiming payment of arrear of salary.

As with regard to rest of the grievance relating to payment of retirement benefit, such as leave encashment, G.P.F. amount, gratuity and pension, this Court would find that the respondent authorities of General Administration Department had taken a decision on 18.3.2015, vide Annexures 'E series', whereby and whereunder sanction has been accorded for grant of leave encashment, pension, gratuity, leave commutation and G.P.F..

In that view of the matter, while this Court would direct the office of the Accountant General to do the needful by way of issuance of authorization order within a period of one month from the date of receipt of this order. It would similarly direct the Director, Provident Fund and the District Provident Fund Officer, Arwal to ensure that whatever amount of provident fund is payable to the petitioner the same must be paid to him within a period of one month from the date of receipt of this order. All the concerned authorities, who now have to act for making payment of

retirement benefit of the petitioner, namely, leave encashment, amount of provident fund, pension, gratuity and commutation must ensure that the petitioner’s actual payment on all these heads is made to the petitioner within a period of three months from the date of receipt of this order.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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