

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3739 of 2015

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Uma Nath Bind S/o Late Bhagirath Bind R/o Village + P.O. - Ora Bagicha,
P.S. - Dharhara , District- Munger .

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education Govt. of Bihar
3. The District Magistrate, Lakhisarai.
4. The District Education Officer, Lakhisarai.
5. The District Programme Officer (Establishment), Lakhisarai.
6. The District Provident Fund Officer Munger.
7. The Treasury Officer Lakhisarai.
8. The Accountant General Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Vinay Pd. Singh @ Sanjay, adv.
For the Respondent/s : Mr. S.K.Sinha, GP 15.
For the A.G. : Mr. Anand Kumar, adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 19-03-2015

Heard learned counsel for the parties as with regard

to the following relief prayed in this writ application:-

*"commanding the Respondents to pay
the retiral due amount which is leave encashment
Gratuity etc. and further to fixed the pension and
make payment there on with arrear the difference of
salary for the period 1.4.2001 to 5.10.2006 along
with interest of the Market Value."*

2. The petitioner, who has retired from Government
service on 31.05.2013, has been running from pillar to post for
payment of entire retiral dues which include the amount of Leave
Encashment, Gratuity and pension.

3. From perusal of the writ application, it has



become very clear that there has been certain entries in the service books which required correction. As per the representation of the petitioner certain correction had already been made by the petitioner in the pension papers and the same was submitted in the month of November 2014 i.e. 24.11.2014 but, thereafter it is the District Programme Officer (Establishment), Lakhisarai who is said to be sitting over the issue and has allegedly even forwarded the service book of the petitioner to the office of the Deputy Director (Primary Education) as a result whereof the petitioner still remains deprived of the payment of his legitimate amount.

4. At this stage, learned counsel for the respondents have invited attention to statement in paragraph 17 of the writ application to highlight that as a matter of fact, the departmental proceeding is still pending against the petitioner.

5. In view of the above, the petitioner will be entitled for at least payment of provisional pension and payment of other retirement benefit will have to await till the departmental proceeding is concluded in accordance with law.

6. In that view of the matter, this Court would direct the respondent authorities of the Education Department including the respondent nos. 2, 4 and 5 to ensure that the departmental proceeding initiated against the petitioner subject to co-operation

of petitioner must be brought to its logical conclusion within a period of three months from the date of receipt of a copy of this order. In the period of three months, the petitioner must be paid the provisional pension and other retiral benefits as is admissible and payable to a person like the petitioner facing departmental proceeding.

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

(Mihir Kumar Jha, J)

Sujit/-

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