IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5334 of 2015

==

Sri Rajendra Pandey S/o Ram Krishna Pandey, Resident of Village-Ranipur, P.O.- Ranipur, P.S.-Islampur, District-Nalanda.

.... Petitioner

Versus

1. Accountant General, Birchand Patel Path, Patna.
2. The Senior Accountant, A.G. Bihar, Patna.
3. The Principal Secretary, H.R.D., Deptt., Bihar, Patna.
4. District Superintendant of Education, Patna.
5. Treasury Officer, Patna by Sub-Treasury Officer, Patna.
6. District Provident Officer, Patna.

.... Respondents

==

Appearance :
For the Petitioner/s : Mr. R. K. Rajan, Adv.
For the Respondent/s : Mr. Amadhesh Kumar, AC to GP3
For the Accountant General: Mr. L.P.K.Rajgriha, SC

==

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 24-04-2015 Heard learned counsel for the parties.

The grievance of the petitioner that he is not being paid his monthly pension since July, 2014 has to be appreciated only in the backdrop that the office of the Accountant General has already issued the authorization for payment of pension and therefore, if the petitioner even after approaching the Treasury Officer to whom such pension payment order has been sent has not made the payment, the direction can be given to the Treasury Officer. There is, however, no averment to the effect that after pension payment order was issued by the office of the Accountant General the petitioner has approached the Treasury Officer for making such payment.

In that view of the matter, this Court would direct the Treasury Officer, Patna to ensure that whatever amount has been authorized by the office of the Accountant General on the head of pension must be paid to the petitioner within a period of one month both arrear and current upon completing all necessary formalities by the petitioner.

As with regard to the grievance of the petitioner in respect of non-payment of the amount of GPF this Court would again find no pleading in the writ petition that the petitioner had already submitted his application for final withdrawal of the amount of GPF. Thus, if and when the petitioner would submit his application for final withdrawal of the amount of GPF its payment will be made by the District Provident Fund Officer, Patna to the petitioner preferably within a period of three months from the date of filing of the application for final withdrawal of the amount of GPF by the petitioner.

The next grievance of the petitioner that he has been paid leave encashment only for 232 days in place of 258 days has to be essentially examined by the controlling authority of the petitioner but will also have found out as to whether 258 days of leave encashment accumulated and admissible for leave encashment. The petitioner for this purpose may lead evidence by filing a representation and if he satisfies the controlling officer that he had actually 258 days of Earned Leave to his credit, the decision for making payment of balance amount of leave encashment for 26 days (258-232) shall be made within the same period of three months.

In view of the fact that the petitioner himself has not approached for receiving payment of pension after issuance of pension payment order by the office of the Accountant General and that the petitioner himself has again not submitted his application for final withdrawal of GPF, this Court for the time being is not inclined to direct for payment of any interest on the amount of retirement dues but nothing said in this order shall come in the way of the petitioner to demonstrate before the competent authority that though he had fulfilled all the requisite conditions for receiving payment of his all retirement benefit he was yet deprived for no justified reasons. If the petitioner satisfies the authorities on this score, he will be entitled for payment of interest at the rate of 5% per annum as fixed by the Government in its circular dated 30.7.1981.

Let it be made clear that this Court has not gone into the other issue of entitlement of arrears of pay on account of promotion etc. as neither the same is retirement benefit nor can be clubbed with the amount of pension already authorized by the office of the Accountant General based on the last salary drawn by the petitioner on the date of his retirement.

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

(Mihir Kumar Jha, J)

surendra/-

U			