IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13010 of 2014

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Ram Raj Rajak S/o Late Shyam Narayan Rajak Resident of Lohanipur, Upadahaya Lane, Phulwaso Kunj, P.O. + P.S. Kadam Kuan, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principle Secretary, Department of Health, Government of Bihar, Patna.
3. The Joint Secretary, Department of Health, Government of Bihar.
4. The Additional Secretary, Department of Health, Government of Bihar.
5. The Accountant General, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brisketu Sharan Pandey, Adv.
For the State : None
For the AG : Mr. Raj Nandan Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 07-04-2015

Heard learned counsel for the petitioner and counsel for the Accountant General.

No one appears for the State which is the main contestant in this writ application because the petitioner has a grievance that he has not been paid any amount of post retirement benefit including pension, gratuity and leave encashment.

Let it be noted that the learned counsel for the Accountant General has taken a stand that since the sanction order has not been sent by the competent authority of the State of Bihar to the office of the Accountant General despite reminders sent from the office of the Accountant General, no action can be taken by the office of the

Accountant General for payment of amount of pension and gratuity.

This writ application was filed on 31.7.2014 and in a period of more than eight months, the counter affidavit has also not been filed on behalf of the officials of the State of Bihar.

The petitioner was holding the post of Accountant in the office of State Family Welfare Bureau and the controlling officer for sanctioning the retirement benefit was either Administrative Officer or the Additional Secretary in the Department of Health being the In-charge of the State Family Welfare Bureau. The petitioner has also enclosed the photocopy of the pension papers along with NOC. As a matter of fact, when the writ application was filed on 31.7.2014, this Court would find that the respondents were required to explain it as to whether such pension papers has now been transmitted to the office of the Accountant General and, if not, the reasons thereof. As noted above, the office of the Accountant General has itself impressed on the officials respondents of the Health Department to send the pension papers of the petitioner.

In that view of the matter, this Court would direct the respondent no.2 to 4 to ensure that the duly sanctioned pension papers must be forwarded to the office of the Accountant General (Respondent no.5) within a period of one month from the date of receipt of this order.

Let it be made clear that if there be any defect to be removed by the petitioner in the pension papers, that must be intimated to the petitioner within a period of one month and, upon removal of the defect by the petitioner, the pension papers will be sent immediately to the office of the Accountant General for its being authorized. This part of the exercise would take care of the payment of pension, gratuity and commutation only.

For the rest of the retirement benefits such as provident fund and leave encashment, this Court would direct the competent authority to ensure that the admissible and payable amount under the heading of P.F. and leave encashment also must be paid 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)

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