

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19182 of 2011

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Khawaja Salahuddin S/O Late Abdul Hamid R/O Village - Ranipur, P.O. And P.S.
- Barharia, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar, through The Home Secretary, Department Of Home Police,
Govt. of Bihar, Patna

2. The Chairman Cum Managing Director, Bihar Police Building Construction
Corporation, BMP-5 Campus, Patna -14

3. The Executive Engineer, Bihar Police Building Construction Corporation,
Muzaffarpur, Camp At Ramshish Chowk, Sadar, Thana Campus, Hajipur

4. The Administrative Officer, Bihar Police Building Construction Corporation,
BMP-5 Campus, Patna -14

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 19-08-2015

Learned A.C. to S.C. 30 for the State and learned counsel
for the respondents no. 2 to 4 and present.

The writ application had been preferred by the petitioner
seeking a direction to pay the retiral benefits including gratuity, leave

encashment, Contributory Provident Fund and difference of pay fixation of 5th and 6th pay revision.

Counter affidavit has been filed on behalf of respondents no. 2 to 4, copy of which was served on learned counsel for the petitioner on 25.11.2014.

On 22.01.2015, learned counsel for the petitioner had prayed for and was granted two weeks time to take instructions on the counter affidavit filed on behalf of respondents no. 2 to 4. In the counter affidavit details of payment made to the petitioner have been mentioned and it appears that the arrear amount on account of revision pursuant to 6th pay revision has also been paid in October, 2013, that is, after filing of the writ application.

In view of the aforesaid and the fact that no rejoinder has been filed on behalf of the petitioner, this Court can only presume that the admitted dues of the petitioner have been paid to him.

Thus, the Court does not feel any necessity to keep the matter pending and accordingly the writ application stands disposed off.

However, if actual payment to the petitioner has not been made under any head, he may prefer a representation before the respondents no. 2 and 3 within four weeks from today along with a copy of this order. If such a representation is filed, the respondents no. 2 and 3 after verification shall ensure that payment in favour of the

petitioner is made to him within the next six weeks positively, failing which the same shall bear interest at the rate of 9% per annum.

(Ahsanuddin Amanullah, J)

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