

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2242 of 2015

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Jagnnath Ram Son of Late Deputy Ram Resident of Village - Sarangpur, P.O Lakshu Tola, Police Station- Sahpur, District - Bhojpur, at present resident of Village - afeemi Kothi Majhaua Ara Ward No- 5, Police Station - Ara Town, District - Bhojpur, Rretired While Working as Headmaster in Adarsh Govt. of Middle School Nawada, Anchal - Ara Town, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Princiapl Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Ara, District - Bhojpur.
4. The District Education Officer, Ara, District - Bhojpur.
5. The District Programme Officer (Eastabishment), Ara , District - Bhojpura.
6. The District Treasury Officer, Ara, District - Bhojpur.
7. The Block Education Officer, Ara Town, District - Bhojpur.
8. The Deputy School Inspector. Ara Town, District - Bhojpur.
9. The Drawing and Disbursing Officer Cum Headmaster, Govt. Midle School Ramgarhiya, Anchal Ara Town, Distict Bhojpur. null null
10. The Accountant General Bihar, Beerchand Patel Marg, Patna.
11. Shashidhar Pandey Son of Raj Bansh Pandey Resident of Village - Katira, Police Station - Nawada, District - Bhojpura, at present posted and working as Incharge Head Teacher, Adarsh Govt. Middle School Nawada, Anchal - Ara Town, District - Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Adv
For the Respondent/s : Mr. SC3-Syed Arshad Alam

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 05-02-2015 Heard learned counsel for the parties.

When the petitioner himself did not hand over the
charge on the date of retirement he cannot expect any
favour either as with regard to payment of retirement

benefit or in respect of no dues certificate. In such a situation when this Court can do little as with regard to the following relief prayed in this writ application:-

“For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to issue No Dues Certificate/No Objection Certificate in favour of the petitioner due to which the petitioner is being not paid his pension amount even after lapse of near about 11 months from the date of retirement and in this regard the petitioner has represented before the respondent authorities concerned for issuance of No Dues Certificate, but till date no action has been taken in the matter and his pension has been withheld due to non issuance of No Dues Certificate.

For issuance of an appropriate direction commanding the respondents to pay the amount of pension and also amount of commutation of pension to the petitioner without any further delay as well as litigating cost including the cost of unnecessary harassment.

For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to pay the pension to the petitioner without any further delay without delaying as due to non payment the petitioner is at the verge of starvation due to non payment of admitted dues.

For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to pay the appropriate compensation for mental agony cause to the petitioner for non payment of legitimate dues and cost of the writ proceeding.”

save and except to direct the authorities namely, D.E.O., Arrah and the D.P.O. (Est.), Arrah to examine the matter and be satisfied that the petitioner had already properly



accounted for whatever amount was entrusted to him by way of advance and thereafter they would proceed to pass necessary order for issuance of N.O.C., so that the petitioner may become entitled to get his pensionary benefits. Let it be however made clear that this Court is not impressed with defence of the petitioner because it has found from the letter of the petitioner himself dated 02.09.2014, as contained in Annexure-5, that he had not handed over charge of the School because the work allotted to him had not been completed and/or its measurement was not recorded in the measurement book.

In that view of the matter, it would be now for the respondent nos. 4 and 5 to first ascertain the correctness of the subsequent claim filed by the petitioner in his application on 10.11.2014, as contained in Annexure-6, for the purpose of determining the fact as to whether the petitioner has accounted for the men, material and/or any amount which was entrusted to him

in capacity of the Headmaster of the School.

This Court hopes and believes that this exercise shall be completed by the concerned respondents within a period of three months from the date of receipt of this order. The period of three months however shall commence from the date of filing of the representation by the petitioner enclosing a copy of this order and documentary evidence to the effect that he had handed over the charge of the School and has also accounted for the amount which was entrusted to him for construction in the School.

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

(Mihir Kumar Jha, J)

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