IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.216 of 2015

==

Dinesh Kumar Choubey Son of Late Bujhawan Choubey Resident of Road No- 7, Ashok Nagar Kankarbagh, P.S- Kankarbagh, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, General Administration Department, Govt. of Bihar.Patna.
2. The Accountant General, Bihar, Patna.
3. The Collector-cum-District Magistrate, Patna.
4. The Senior Deputy Collector, Patna.
5. The Additional Collector, Patna.

.... Respondent/s

==

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Adv
For the State : Mr. GP22- G.P. Ojha
For the Accountant General : Mr. Vivekanand Kumar, Adv

==

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

2 06-02-2015 Heard learned counsel for the parties as with regard to following arrears of payment of the petitioner who had retired from service on 31.10.2013, namely:-

"a) Earned Paid Leave for 300 days.
b) Amount of Insurance;
c) General Provident Fund;
d) Arrears dues till 2013 of salary revision;
e) Difference of payment to be given under 4th Pay Commission;
f) Benefits to given under 6th Pay Commission.
g) 10% of Gratuity amount.
h) Salary for the month of February 2010, February 2011 and February 2013 in spite of Income Tax Return being filed on time.
i) Deduction from salary of Rs. 25,000/- each for the month of May 2013 and June 2013.
j) Other arrears and dues withheld from time to time."

It thus become clear that the petitioner while claiming retirement benefit by way of leave encashment, amount of Group Insurance, amount of G.P.F. as also 10 per cent of the gratuity has been mixed up with the other benefit of service such as leave salary, differences of payment of 4th pay revision committee and benefit of 6th pay revision committee.

This Court however must restrict the claim of the petitioner to only payment of leave encashment, Group Insurance, G.P.F. and 10 per cent of the gratuity amount as they are the retirement benefits under the subject assigned to this bench. For the rest of the claim of the petitioner, this writ application having the subject of retirement benefit must be held to be wholly ill advised and misconceived because they being subject matter of payment of salary and allowances are definitely not retirement benefits.

In that view of the matter, this court would direct the competent authority to consider the grievance of the petitioner only in respect of leave encashment, Group Insurance, G.P.F. and 10 per cent of the gratuity and take an appropriate decision within a period of four months from the date of receipt of this order. If any amount on the aforementioned heads of retirement benefit is found admissible and payable, its payment should also be made to the petitioner within next one month.

In the event, the petitioner however is not found entitled for payment of such retirement benefit for any reason whatsoever, such reasons thereof must be communicated to him within the aforementioned period of four months.

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

Nothing said in this order however will come in the way of the petitioner in claiming rest of the amount which has been also mentioned in paragraph no. 6 of the writ application in a separate proceeding before appropriate forum/court.

(Mihir Kumar Jha, J)

Ranjan/-

U			