

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12799 of 2011

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1. Madhusudan Prasad Singh S/O Saudagar Pd. Singh R/O Vill.- Deoley,
P.S. & Distt.- Sheikhpura, At Present Konark Dharamkanta Road,
Shastrinagar, Near M.T.C. Munger

.... Petitioner/s

Versus

1. The State Of Bihar Through Civil Surgeon Cum Chief Medical Officer,
Lakhisarai
2. The Chief Secretary, Govt. Of Bihar, Patna
3. The Health Commissioner Cum Secretary, Health Department, Govt. Of
Bihar, Patna
4. The Director In Chief, Health Services, Bihar, Patna
5. The Regional Deputy Director (Health) Munger Commissioner,
Munger
6. The Commissioner, Munger Commissioner, Munger
7. The Collector, Lakhisarai Collectorate, Lakhisarai
8. The Civil Surgeon Cum Chief Medical Officer, Lakhisarai
9. The Incharge Medical Officer Cum Drawing And Disbursement Officer
Primary Health Centre, Surajgarha, Distt.- Lakhisarai
10. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Advocate.

For the Respondent/s : Mr. Ashok Kumar Keshri, AAG-11

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI
ORAL ORDER

5 21-01-2015 With the help of this application, made under Article

226 of the Constitution of India, the petitioner, who retired as

Health Worker, has sought for the issuance of a *writ* in the nature

of *mandamus* to the respondents for the following reliefs:

- (i) To issue a writ directing the respondents for

making the post retiral dues of gratuity,

unutilized earned leave for the period of 300

days and General Provident Fund with upto date

interest at the rate of 24 per cent per annum and

cost.

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- (ii) To issue a writ for payment of dues of difference of salary payable after implementation of 5th Pay Revision, 6th Pay Revision and A.C.P. salary of February, 2002 and salary from 06.06.1993 to 14.06.1993 and payable dues of dearness allowances.
 - (iii) To issue a writ for grant of provisional pension and fixation of pension on the amount of salary payable after implementation of 5th Pay Revision, 6th Pay Revision, A.C.P. and Dearness allowances.
 - (iv) To issue a writ/writs for any other relief or reliefs for which the petitioner is found entitled.

Heard Mr. Ram Jiban Singh, learned Counsel for the petitioner, and Mr. Ashok Kumar Keshri, learned Additional Advocate General No.11, appearing on behalf of the State-respondents. Heard also Mr. Ranjan Kumar, learned Counsel for the Accountant General.

By filing a counter affidavit, it has been submitted by the respondents that the retiral dues of the petitioner has already been paid. In this regard, necessary averments, made at paragraph Nos. 4, 5, 6, 7, 8 and 9, read as under:

“4. That, Mr. Madhusudan Prasad Singh, retired Basic health worker, Primary Health Centre, Surajgarha, has been paid due amount of Group Insurance Rs.1,26,612/- vide bill No.127/2010-2011.

5. That it is further stated that he has been paid the due amount of Provisional Gratuity of Rs.3,24,978/- vide bill No.53/2011-2012.

6. That it is further stated that he has been paid the due amount of 300 days of Earned Leave of Rs. 1,86,440/- vide bill No.11/2012-13.

7. That for the final withdrawal of G.P.F. Office, Munger vide letter No.217, dated 18.04.2012. The authority letter concerning the final withdrawal has been received on 15.06.2012. Its withdrawal process has been initiated.

8. That his service book has been sent to A.G., Bihar, Patna, after pension fixation vide letter No.270, dated 09.05.2012, by registered post on 10-05-2012. It has been received till date.

9. That the payment of other genuine dues including the arrear arising out of 6th Pay Revision Fixation would soon be initiated after receipt of his service book from A.G., Bihar, Patna.”

In view of the above, it is submitted that this writ

petition be allowed to be withdrawn with liberty to make necessary correspondence with the office of the Accountant General, Bihar, Patna.

In view of the above and in the interest of justice, the writ petition is hereby disposed of as withdrawn with liberty granted to the petitioner to approach this Court with appropriate application, in future, if so advised and also to take recourse to such provisions of law as may be permissible.

(I. A. Ansari, J.)

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