

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4121 of 2015

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Dr. Chandra Bhushan Prasad, S/o - Late Ishwar Singh, R/o- Village + P.O.- Madanpur, P.S.- Ekangarsarai, District - Nalanda, presently residing at C/o - Nalanda Photo State, Mobile Bazar, M.I.G. - 159, Kankarbagh, Doctor's Colony, Near Lohiya Nagar post office, Patna -800020.

.... Petitioner/s

Versus

1. The State of Bihar .
2. Principal Secretary, Health and Family Welfare Department.
3. Deputy Secretary, Health and Family Welfare Department.
4. District Magistrate-cum-Collector, Gaya.
5. Civil Surgeon-cum-Chief Medical Officer, Gaya.
6. Medical Officer, In-Charge, Primary Health Centre, Dumaria, Gaya.
7. Treasury Officer, Sherghati, Gaya.
8. State of Jharkhand.
9. Director, Provident Fund, Jharkhand, Ranchi.
10. District, Provident Fund Officer, Khuti, Ranchi, Jharkhand.
11. Accountant General, A&E, Bihar, Birchand Patel Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ojha, Adv
For the Respondent/s : Mr. Kinkar Kumar, SC-27

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 31-03-2015 Heard learned counsel for the parties.

The petitioner, a Medical Officer in Bihar Health Service, having retired on 28.02.2010 and also exonerated in the departmental proceeding under Rule-43B of the Bihar Pension Rules vide notification dated 23.06.2014, is still awaiting for payment of full and final retirement benefit. Learned counsel for the petitioner



submits that the petitioner on account of pendency of the departmental proceeding was/is being paid only provisional pension apart from one time payment of provisional gratuity. He has also submitted that the petitioner has also not got his other retirement benefits though he has been paid the amount of leave encashment and group insurance.

Considering the fact that the petitioner now stands exonerated in the departmental proceeding, has also submitted his pension papers, this Court would direct the competent authority to ensure that the sanction and full and final payment of pension and gratuity to the petitioner be accorded by the competent authority within a period of three months and be also communicated to the Accountant General for authorizing the amount of pension and gratuity.

This Court hopes and believe that admitted and payable amount of retirement benefit whether it be full amount of pension and full amount of gratuity must be

paid to the petitioner within a total period of four months from the date of receipt of this order.

As with regard to claim for payment of the amount of G.P.F., this Court would find that the petitioner has already been paid the amount for which accounts were available with District Provident Fund Officer.

The petitioner, however, wants payment of the amount of provident fund for the contribution made from August 1983 to March 1987 as also from March 2000 to July 2006, when he was working under the State of Jharkhand at Khunti (Ranchi). Since, the details of deduction are available only with the petitioner or he may obtain such information from the concerned place of his posting, the liability of payment of G.P.F., amount whatever has already been paid to the petitioner will be fastened on the District Provident Fund Officer, if the petitioner produces the details of such deduction from the competent authority where he was working in the

relevant period.

In the event the petitioner will produce evidence of such deduction of amount of his contribution from G.P.F., the same will be examined by the District Provident Fund Officer and payment thereof shall be made to the petitioner in accordance with law within a period of three months from the date the petitioner would produce such evidence of his deduction of the amount of G.P.F., as claimed in paragraph no. 10 of the writ application.

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

(Mihir Kumar Jha, J)

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