

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4881 of 2015

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Ram Bahadur Singh. S/o Late Yamuna Pd. R/o Village - Parsarma, P.S. +
District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna.
2. Finance Commissioner, Old Secretariat, Patna.
3. Accountant General, Bihar, Patna, Beer Chand Patel Path, Patna.
4. Director, Provident Fund, Pant Bhawan, Bihar, Patna.
5. Collector, Supaul.
6. District Provident Fund Officer, Saharsa.
7. Anchal Adhikari, Saraigarh, Bhaptiyahi, District - Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Mallika Mazumdar, Adv.
Mr. Prem Kumar, Adv.
For the Resp. No.3 : Dr. Anand Kumar, Adv.
For the Resp. 6 & 7 : Mr. Anil Kumar Pandey, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 22-06-2015

Heard learned counsel for the parties.

When this writ application was filed on 30.3.2015,
the grievance of the petitioner was that he has not been paid any of
the retirement benefit, namely, gratuity, pension, leave
encashment, group insurance and final payment of G.P.F.

During pendency of this writ application, the Circle
Office (Respondent No.7), having filed counter affidavit, has
explained that payment of other retirement benefit barring pension
and gratuity has been made and that there is a valid and justifiable
reason for non-payment of pension and gratuity to the petitioner.

In this regard paragraph no.12 of the counter affidavit being relevant is quoted herein below:-

"12. That it is further submitted that the payment of Gratuity and pension of the Petitioner have been held-up as the petitioner has not given the charge of important records to his successor for which several correspondence has been made with the Petitioner, to hand over the remaining records, which were received by him by his predecessor but in spite of repeated reminders he did not hand over the charges of the said records as yet. It is humbly submitted that the moment the petitioner will hand over the charge of those records, the payment of Gratuity and pension will be made to him."

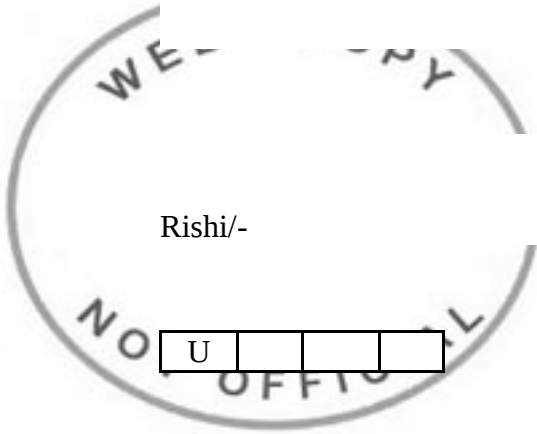
(Underling for emphasis)

In view of the above, learned counsel for the petitioner submits that the petitioner will hand-over the charge of the document for receiving payment of gratuity and pension.

In that view of the matter, this writ application is disposed of with a direction to the respondent to comply their own undertaking given in the last sentence of paragraph no.12 which has been underlined for the purpose of emphasis.

It is, however, made clear that once the petitioner handovers those documents or explain about them, the authorities will take necessary decision and must ensure payment of pension and gratuity to the petitioner at the earliest but, in no event,

beyond a period of three months from the date of giving charge of
the documents or submitting explanation by the petitioner.



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(Mihir Kumar Jha, J)