

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21622 of 2014

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Raj Kumar Singh Son of Late Sardar Ram Yatan Singh Resident of Village -
Mosimpur, P.O + P.S- Khushroopur, District - Patna.

.... Petitioner

Versus

1. The State of Bihar. through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration, Govt. of Bihar, Patna.
3. The Additional Secretary Department of General Administration, Government of Bihar, Patna.
4. The Deputy Secretary, Department of General Administration, Government of Bihar, Patna.
5. The Under Secretary, Department of General Administration, Government of Bihar, Patna.
6. The Principal Secretary, Department of Art, Culture and Youth, Government of Bihar, Vikas Bhawan, Patna.
7. The Additional Secretary, Department of Art, Culture and Youth, Government of Bihar, Vikas Bhawan, Patna.
8. The Joint Secretary, Department of Art, Culture and Youth, Government of Bihar, Patna.
9. The Under Secretary, Department of Art, Culture, and Youth, Government of Bihar, Vikash Bhawan, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Advocate

For the Respondent/s : Mr. Roy Shivaji Nath, AAG III

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 01-12-2015

Heard learned counsel for the parties.

Pursuant to order dated 02.11.2015, supplementary
counter affidavit has been filed on behalf of respondents no. 2 and 3.

Respondents no. 3 and 4 are also present in person.

From the materials brought on record, it appears that
the order has been passed for payment of all admitted dues of the
petitioner, though actual payments have not been made till date.
However, with regard to Gratuity, it has been stated in the counter

affidavit that the petitioner is not entitled to the same in view of him having been compulsorily retired from service after being charged for misconduct. Nothing has been brought on record to indicate as to under what provision of law the authorities have forfeited the entire Gratuity amount of the petitioner.

Respondents no. 3 and 4 as well as learned counsel for the State assure the Court that actual payment pursuant to orders passed by the authorities shall be ensured within a reasonable time and further with regard to Gratuity the matter would be reviewed.

Taking into consideration the aforementioned stand of the respondents, the writ application stands disposed off with a direction to the concerned respondents to ensure that actual payment pursuant to orders passed by them is made to the petitioner within four weeks. They shall also review the matter relating to forfeiture of 100% Gratuity in the facts and circumstances of the case in accordance with law. The said issue shall also be decided within six weeks.

Personal appearance of respondents no. 3 and 4 stand dispensed with.

(Ahsanuddin Amanullah, J)

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