

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 20457 of 2013

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Kameshwar Jha aged 61 years Son of Late Sukhdeo Ojha Resident of Village Belwan, P.S. Daudnagar, District Aurangabad.

.... Petitioner

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Water Resources Department, Sinchai Bhawan, Patna
2. The Director, Provident Fund Directorate, Pant Bhawan, Patna
3. The District Provident Fund Officer, Rohtas at Sasaram
4. The Chief Engineer, Mechanical, Water Resources Department, Officers' Flat, Punai Chak, Patna
5. The Superintending Engineer, Mechanical Circle, Water Resources Department, Gaya Camp at Dehri
6. The Executive Engineer, Irrigation Mechanical Division, Dehri, District Rohtas
7. The Accountant General, Bihar, Birchand Patel Path, Patna
8. The District Magistrate, Rohtas (Pension Cell) at Sasaram.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Respondent/s : AC to Addl. Advocate General – 14
Ms. Nivedita Nirvikar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6. 27-01-2015 Heard learned counsel for the petitioner, learned A.C. to Addl. Advocate General – 14 as well as learned counsel, who has appeared on behalf of respondent no. 7/Accountant General, Bihar.

The petitioner, who retired on 30th June, 2012, as Junior Engineer from the office of Executive Engineer, Irrigation Mechanical Division, Dehri, Rohtas, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for directing the respondents to settle all the post-retiral

dues of the petitioner, which includes pension, D.C.R. Gratuity, GPF amount. Besides this, the petitioner has also prayed for time-bound promotion and ACPs.

In this case, counter affidavit has been filed on behalf of respondent no. 4 to 6 and in paragraph – 8 of its counter affidavit, it has been indicated that provisional pension and gratuity have already been sanctioned. In respect of final pension and claim of 1st time-bound promotion, ACP and MACP, it has been indicated that after reconstruction of his service-book, final decision in the matter shall be taken. In separate counter affidavit filed on behalf of respondent no. 3 i.e. District Provident Fund Officer, Sasaram, it has been indicated that the amount of G.P.F. with statutory interest has already been paid.

In view of the facts and circumstances, particularly; the fact disclosed in paragraph – 8 of the counter affidavit filed on behalf of respondent no. 4 to 6, the Court considers it appropriate to dispose of the writ petition with direction to respondents to take all steps to settle all the retiral dues, including final pension and gratuity within a period of eight weeks from the date of receipt/production of a copy of this order. It goes without saying that after receipt of the sanction order, the respondent no. 7/Accountant General, Bihar shall take all steps for issuance of

authorization. Thereafter, respondents may take steps for crediting all the retiral dues to the account of the petitioner without unnecessary delay. Even thereafter, if the petitioner feels that any grievance exists, he would be at liberty to file detailed representation before respondent no. 3, 6 and 7. If such representation is filed, the Court expects that aforesaid respondents will take immediate notice of the claim and pass final order in accordance with law for redressal of the remaining grievances. In case of refusal of such claim, the aforesaid respondents are required to pass a reasoned order and communicate the same to the petitioner.

With above observation and direction, the writ petition stands disposed of.

(Rakesh Kumar, J.)

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