

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7290 of 2008

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Mahendra Prasad Singh, Son of Late Ram Pukar Singh, resident of Rampur
Kumar Kote, P.O. – Vaishali, District- Vaishali, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director Secondary Education, Department of Education, Govt. of Bihar, Patna.
3. The District Education Officer, Vaishali District at & P.O. Vaishali.
4. The District Accounts Officer, Vaishali at and P.O.- Vaishali.
5. The Accountant General (A & E) and P.O. Vaishali.
6. The Senior Accounts Officer, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Rakesh Kumar and Mr. Abdul Hakin, Advocates.
For the State	: Mr. Dhurjati Kumar Prasad, G.P. 7.
For the Accountant General	: Mr. S. M. Ehtesham, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

8. 16.01.2015

Heard learned counsel for the parties.

Though, in view of the materials brought on record in the counter affidavit filed on behalf of the State and the Accountant General, Bihar, this Court finds that the admissible dues of the petitioner have been paid to him, but learned counsel for the petitioner submits that statutory interest on gratuity has not been paid.

Be that as it may, the admitted dues of the petitioner having been paid, the writ application stands disposed off. However, the petitioner shall have liberty to represent before the District Education Officer, Vaishali (respondent no. 3) with regard to payment of statutory interest

on gratuity. If the authorities find that the claim of the petitioner for interest on gratuity is admissible in law, an order to this effect shall be passed within four weeks of the filing of the representation. If any payment pursuant to the same is required to be made, the same shall also be done within three weeks thereafter. As far as gratuity is concerned, the petitioner having himself agreed for recovery of the excess amount drawn by him from his gratuity, the action of the respondents in doing so cannot be faulted.

(Ahsanuddin Amanullah, J.)

P. Kumar

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