

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2965 of 2014

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Smt. Shakuntala Devi, wife of Shri Ram Narayan Thakur Resident of
Mohalla - Barrah Pathar, Ward No. 15, P.O. and P.S. - Samastipur, District
- Samastipur

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna
2. The Principal Secretary, Department of Health Service (Family Welfare),
Government of Bihar, Patna
3. The Principal Secretary, Department of Finance, Government of Bihar,
Patna
4. Director-in-chief, Department of Health Service (Family Welfare)
Government of Bihar, Patna
5. Deputy Director, Department of Health Service (Family Welfare)
Government of Bihar, Patna
6. The District Magistrate, Bhagalpur, District - Bhagalpur
7. Superintendent, Jawaharlal Nehru , Medical College Hospital, Bhagalpur
8. Treasury Officer, Samastipur, District - Samastipur
9. Accountant General (A & E) Bihar, Birchand Patel Path, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar
For the Respondent/s : AC to SC-21
Mr. Anand Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 15-01-2015 Heard learned counsel for the petitioner, learned A.C.
to Standing Counsel – 21 as well as Dr. Anand Kumar, learned
counsel, who has appeared on behalf of respondent no.
9/Accountant General, Bihar.

This is the second occasion for petitioner to invoke
the writ jurisdiction of this Court by filing the present petition.
The petitioner, who retired w.e.f. 31st July, 2008 as senior



Tutor/Principal from the Jawaharlal Nehru Medical College, Bhagalpur, had earlier approached this Court by filing a writ petition, vide C.W.J.C. No. 13146 of 2009 claiming retiral dues, which was disposed of on 08-10-2009. Subsequently, on allegation of disobedience to the order of the writ court i.e. order dated 08-10-2009 passed in C.W.J.C. No. 13146 of 2009, the petitioner filed a contempt petition, vide M.J.C. No. 4254 of 2010. The contempt petition was finally disposed of on 18-10-2011. The order dated 18-10-2011 passed in M.J.C. No. 4254 of 2010 is incorporated here-in-below:-

“Heard learned counsels for the petitioner and the State.

Learned counsel for the State submits that the order of the Court has been complied with and necessary payments have been made.

Learned counsel for the petitioner submits that although payments have been made, however the payment on account of group insurance and gratuity has been made after good delay, and as such, the petitioner is entitled to payment of interest. Besides the above, it is submitted that the department has recovered a sum of Rs. 19900/- from the retiral dues which was not justified in law and petitioner proposes to bring to the notice of the concerned authority for redressal of the aforesaid grievances.

Considering the submissions as also the show cause, I am not inclined to proceed further in the matter. However, in case petitioner brings the aforesaid grievances to the notice of the concerned authority, the same may be looked into in accordance with law.

The MJC application accordingly stands disposed of.”

Even though, in the contempt proceeding, it was accepted that payment had already been made and only grievance was raised regarding recovery of Rs. 19,900/- from the retiral dues, the present writ petition was filed for directing the respondents to fix pension, directing for refund of Rs. 19,900/- and payment of interest.

In this case, a counter affidavit has been filed on behalf of respondent no. 7 and in paragraph 10 of the counter affidavit, a categorical stand has been taken regarding clearance of retiral dues, which is quoted here-in-below:-

“10. That the petitioner has got all the post retiral benefit on the revised pay scale as following. Nothing is left for payment in the revised pay scale.

- (i) Pension @ Rs. 12699/- p.m.**
- (ii) D.C.R. Gratuity Rs. 486080/-**
- (iii) G.P.F. Rs. 466502/-**
- (iv) G.L.I. Rs. 1,06,060/-**
- (v) Leave Encashment of un-utilized Leave Rs. 2,33,310/-.”**

With regard to claim of interest, it has been accepted and on delayed payment, interest has been calculated. Regarding recovery of Rs. 19,900/-, a specific plea has been taken that since eight articles/materials were not returned by the petitioner, even after retirement, the said amount was adjusted from the retiral dues. However, in this case, a rejoinder has been filed and claim

has been made for directing for full pension. Since the issue regarding pension and other retiral dues, save and except, the claim of interest and claim of refund of Rs. 19,900/- was set at rest, the petitioner may not be allowed to re-agitate the same in the separate writ petition.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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