

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2044 of 2014

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Ram Sewak Singh Son Of Late Hari Nath Singh Resident Of- Raj Palace,
Sankat Mochan Nagar, P.O. + P.S.- Nawada, (Ara) District- Bhojpur (Ara)

.... Petitioner

Versus

1. The State Of Bihar
2. The Accountant General Bihar, Patna
3. The Principal Secretary, Water Resources Department, Bihar, Patna
4. The Chief Engineer, Water Resources Department, Purnia
5. The Superintendent Engineer, Canal Circle, Purnia
6. The Executive Engineer, Irrigation Division, Bathnaha, Dist.- Araria

.... Respondents

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Appearance :

For the Petitioner : Mr. Gopal Govind Mishra

For the Respondents :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 22-01-2015 Heard learned counsel for the petitioner and learned AC to
SC No. 5 as well as learned counsel, who has appeared on behalf
of Accountant General.

The petitioner, who superannuated on 31/8/2012 from the
post of Accounts Clerk from the office of Irrigation Division,
Bathnaha, Araria, has approached this court invoking its writ
jurisdiction with a prayer to direct the respondents for fixation of
his pension and payment of arrear of pension from 31/8/2012.
Besides this other reliefs have also been sought for. It has
specifically been pleaded that after retirement of the petitioner
P.P.O. authorizing pension in respect of petitioner was issued by
the Accountant General and communicated to the Treasury

Officer , Arrah, on 6/2/2013. However, till date petitioner has not been able to get any pensionary amount. Learned counsel for the petitioner specifically submits that neither till the date of retirement nor till date any proceeding has been initiated against the petitioner either departmentally or any criminal case has been instituted.

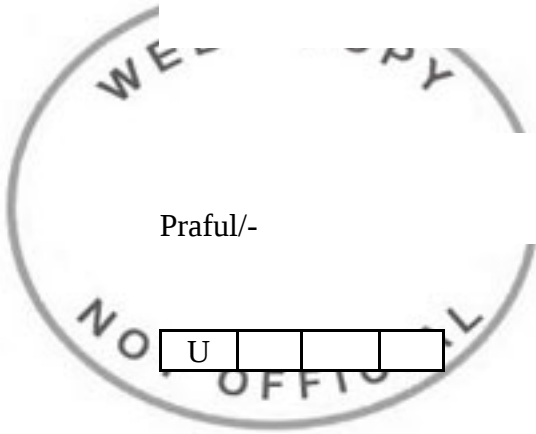
In this case counter affidavits have been filed particularly counter affidavit filed on behalf of respondent no. 3 to 6 duly sworn by Executive Engineer, Irrigation Division, Bathnaha wherein a plea has been taken that since petitioner had not handed over charge in respect of some of the registers, no dues certificate has not been issued. It has further been indicated that the Executive Engineer had taken steps for lodging F.I.R. against the petitioner. However, same was not entertained by the police.

At the time of hearing it was not disputed by learned counsel for the State as to whether before issuance of sanction order such matter was examined or not. Counter Affidavit filed on behalf of Accountant General makes it clear that authorization for pension was issued by the Accountant General in the month of April, 2013. Even though authorization in respect of pension was issued by the Accountant General, till date petitioner has not received any pensionary benefit on frivolous and untenable

grounds, whereas authorization has already been issued by the Accountant General. On such trivial issue neither the Treasury Officer can sit tight over the matter nor the Executive Engineer is entitled to raise any objection that due to non filing of any document no objection has not been issued.

Keeping in view the fact that petitioner retired in the year 2012 and authorization has already been issued, the writ petition stands allowed with a direction to all the respondents to take all steps so that petitioner may start getting pension within a period of two months from the date of receipt / production of a copy of this order. Within the aforesaid time the respondents are directed to take all steps to make payment of arrear of pension. In respect of other claims, the petitioner may file a detailed representation before the Executive Engineer. If such representation is filed within a period of six weeks from today, the respondent no. 6 is directed to examine the same and if he considers the claim of petitioner, as per representation genuine, he is required to take steps for clearing all the dues within two months. Even in case of refusal to the claims of petitioner as per representation, he is directed to pass a speaking order and communicate to the petitioner within two months from the date of filing of such representation.

The writ petition stands allowed.



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(Rakesh Kumar, J)