

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2142 of 2015

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Sone Lal Baitha Son of Late Rijhan Baitha Resident of Mohalla - Krishna Vihar Colony , Road No-2 Yadav Nagar, Bhagwanpur, P.S- Muzaffarpur Sadar, District - Muzaffarpur.

.... Petitioner/s

Versus

- 1.The State of Bihar through the Principal Secretary, Rural Works, Department, Govt. of Bihar, Patna.
2. The District Magistrate, Muzaffarpur, District- Muzaffarpur. null null
- 3.The Deputy Collector, (Establishment), Muzaffarpur, District - Muzaffarpur.
4. The District Panchayat Raj Officer, Muzaffarpur, District - Muzaffarpur.
5. The Development Officer, Sakra District Muzffarpur.
6. The Circle Officer, Bandara, District - Muzaffapur.
7. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Adv

For the Respondent/s : Mr. GP21- Sanjay Pandey with Mr. Manish Kumar AC to GP-21

For the Accountant General: Mr. S.M. Ehtesyam, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 09-03-2015 Heard learned counsel for the parties.

The prayer of the petitioner in this writ
application reads as follows:-

“RELIEFS:

*For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent Authorities for payment of the retirement benefits to the petitioner under the following Heads:-*

- (a) Gratuity;*
- (b) Provident Fund;*
- (c) Group Insurance;*
- (d) Pension;*
- (e) Earned Leave; and*
- (f) other admissible dues*

*For issuance of an appropriate writ in the nature of **MANDAMUS** commanding and directing the Respondent Authorities to pay the aforesaid dues of the petitioner arising out of his retirement benefit with interest on the ground that the*

payments of the retirement benefits of the petitioner has been delayed on account of deliberate action of the Respondent Authorities and no fault can be attributed to the petitioner.”



Learned counsel for the petitioner has submitted that even when the departmental proceeding against the petitioner has been concluded the petitioner has not been paid his all retirement benefit as enumerated above in paragraph no. 1 of the writ application (quoted above).

Learned counsel for the respondents having filed the counter affidavit has submitted that since the departmental proceeding has been concluded only on 26.02.2015, by way of punishment of censure, necessary steps now have been taken for release of payment of admissible retirement benefit. In this regard, he has explained that payment of amount of provident fund, group insurance and leave encashment has already been made and communication to the office of the Accountant General has been made for authorization of payment of pension and gratuity.

Thus, there being now no dispute as with regard

to admissibility of the retirement benefit claimed by the petitioner in this writ application, this Court would direct that the payment of remaining retirement benefit namely, pension both arrears and current as well as gratuity must be made to the petitioner within a period of three months from the date of receipt of this order.

Having regard to the fact that the petitioner was subjected to departmental proceeding and the departmental proceeding has come to an end on 26.02.2015 only, there would be no question of payment of interest in this case.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

Ranjan/-

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