IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18 of 2015

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Puniya Nand Singh Son of Late Baidyanath Singh Resident of Village - Shivaji Colony Purnea P.S- Khanjachi Hatt, Purnea District - Purnea, at present retired Inspector of Police from the District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Accountant General of Bihar, Birchand Patel Path, Patna. null null
3. The Director General of Police, Bhagalpur Range, Bhagalpur.
4. The Inspector General of Police, Bhagalpur Range, Bhagalpur.
5. The Deputy Inspector General of Police, Munger Range, Munger.
6. The Superintendent of Police, Lakhisarai.
7. The Superintendent of Police, Purnea.
8. The Superintendent of Police, Jamui-Cum-Conducting Officer, District - Jamui.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bishnu Kant Dubey, Adv

For the Respondent/s : Mr. GP30- Raju Giri & Mr. Nikhil Agrawal, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

4 12-03-2015 Heard learned counsel for the parties.

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

> *"That this is an application for issuance of a writ in the nature of mandamus directing and commanding the respondents to make payment of post retrial benefits including the full pension, G.P.F., Gratuity, Group Insurance and unutilized leave salary as also salary of the period of suspension from 25.07.2009 to 09.11.2009 and 29.12.2011 to 19.05.2012 except subsistence allowance and/or for issuance of a writ/writs, order/orders, direction/directions for which the petitioner may be found legally entitled to under the facts and circumstances stated here-in-under."*

Having regard to the assignment to this Bench for dealing the cases of retirement benefit alone, this Court would refuse to decide the issue relating to payment of salary of suspension of the petitioner and the petitioner if so advised may file a separate writ petition for assailing the order of punishment passed in the departmental proceeding dated 22.03.2014 as also 09.02.2015.

As with regard to rest of the relief of retirement benefit such has full pension, G.P.F., Gratuity, Group Insurance and unutilized leave salary (Leave Encashment), this Court would find that there is no dispute because the departmental proceeding against the petitioner has been brought to an end by an order of punishment dated 09.02.2015, whereafter the authorities have taken steps for authorizing the full pension and gratuity. It is also on record that the other retirement benefits of the petitioner such as Provident Fund, Leave Encashment, Group Insurance has already been paid in full and even the amount of gratuity has already been paid as has been clearly stated in paragraph nos. 7 and 8 of the counter affidavit filed on behalf of respondent no. 7, which reads as follows:-

> *"That it is stated that, in compliance of the said direction, the Incharge of Pension Section, Police Office, Purnea, submitted his detailed report vide memo no. 96/G.S. dated 21.01.2015 stating therein that all retrial benefits have been paid to the petitioner. It has further been reported that, as departmental proceeding was pending against the petitioner, 90% provisional pension amount is being paid to the petitioner from 01.08.2012 till date through his bank a/c no. 1106708822.*
>
> *That it is submitted that the following payment have been made to the petitioner which would be evident from the online bill details:*

Sr No.	*Particulars*	*Amount (Rs)*	*Bill No.*	*Bill Date*
1.	*Gratuity*	*8,71,685/-*	*114/12-13*	*17.02.2013*
2.	*Leave Encashment*	*5,28,900/-*	*363/12-13*	*19.02.2013*
3.	*G.P.F*	*8,07,348/-*	*105/12-13*	*16.02.2013*
4.	*Group Insurance*	*1,52,998/-*	*108/12-13*	*16.02.2013*
5.	*Prov. Pension*	*2,14,645/-*	*11/14-15*	*29.04.2014*

Thus, now the only issue remains as with regard to full pension of the petitioner which has to be authorized by the office of the Accountant General

In that view of the matter, this Court would direct respondent no. 2, the Accountant General of Bihar, to ensure that payment of full pension to the petitioner is authorized within a period of two months from the date of receipt of this order, whereafter the concerned Treasury Officer also must ensure that the amount of full pension of the petitioner from the date of his retirement i.e., 01.08.2012 must be paid after deducting the amount of provisional pension already paid to him within a period of one month from the date of receipt of the authorization by the office of the Accountant General.

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

(Mihir Kumar Jha, J)

Ranjan/-

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