IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7457 of 2010

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Surendra Prasad Singh, S/O Late Ram Chandra Singh, R/O Village-Dhanaura, P.S.- Avatar Nagar, District Saran At Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent Of Police Banka,Bihar.
4. The Commissioner Cum Secretary, Govt. of Bihar, Patna.
5. The Accountant General, Bihar, Patna.
6. The District Treasury Officer, Saran At Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dewendra Narayan Singh
For the State	:	A.C. to A.A.G. 14
For the A.G.	:	Mr. Manikant Mishra.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

7 04-05-2015 Heard learned counsel for the parties.

2. The petitioner, as with regard to payment of retirement benefit, has three fold grievances namely:

(i) He has not been paid pension due from 01.08.2001 to 30.06.2004 amount to Rs. 1,35,555/-.

(ii) The outstanding dues on the total amount of gratuity to the tune of Rs. 43,494/-

(iii) The commutated value of pension amounting to Rs. 1,22,131/- has not been paid as yet.

3. Learned counsel for the petitioner, in support of the aforementioned grievance, has filed a supplementary affidavit sworn on 01.05.2015 by the petitioner wherein he has given the

detail of his movements from one office to another for receiving payment of the aforementioned amount of retirement benefits but despite that he has not been paid the said amount.

4. In this case, counter affidavits have also been filed earlier, both by the office of the Accountant General and the Treasury Officer. While in the counter affidavit of the Accountant General filed on 16.12.2010, it is stated that the claim of the petitioner was sought to be refuted by the District Treasury Officer, the Treasury Officer, in his separate counter affidavit, has paid the same compliment to the office of the Accountant General.

5. This Court is absolutely amazed with the approach of the respondents. There seems to be no dispute inasmuch as the pension payment order of the petitioner was authorized and also issued by the office of the Accountant General to the Treasury Officer. There was however some clerical error in the pension payment order and the same was sent by the Treasury Officer to the office of the Accountant General for its rectification. All these happened in the year 2008 onwards, but no solution could be found by either of the office of the Accountant General or the Treasury Officer. The result, therefore is that the petitioner still claims that he has not been paid his aforesaid three fold claimed amount of retirement benefits, namely, arrears of pension, balance

amount of gratuity and commutation of pension. Such stalemate however cannot be allowed to be continued and infinitum.

6. The petitioner has retired in the year 2001 and somehow stands deprived of his legitimate amount of the retirement benefits. This Court would, therefore, direct both the District Treasury Officer and the office of the Accountant General to ensure that whatever has to be done for removal of the discrepancy in the pension payment order of the petitioner, must be done at their level within a period of one month from the date of receipt of a copy of this order. The petitioner thereafter also must be paid the legitimate amount of arrears of pension, balance amount of gratuity and the commutated value of pension, as is admissible in law. If any such amount, as claimed in this writ application, is withheld, the respondents, Treasury Officer and the Accountant General, will be under obligation to communicate the same to the petitioner within the same period of one month.

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

(Mihir Kumar Jha, J)

Sujit/-

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