

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15368 of 2014

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1. Rajesh Kumar Jha Son of Late Rajeshwar Jha Resident of Village- Sarauni,
Police Station- Bihariganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department,
Govt. of Bihar, Patna.
2. The Additional Secretary (Management), Water Resources Department, Govt. of
Bihar, Patna.
3. The Chief Engineer, Water Resources Department, Govt. of Bihar, Patna.
4. The Superintending Engineer (Mechanical) Irrigation Mechanical Division,
Birpur.
5. The Executive Engineer (Mechanical) Irrigation Mechanical Division, Purnea.
6. The Accountant General, Bir Chand Patel Marg, Patna-1

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Singh
For the State	:	Mr. Sanjay Kumar, AC to GP 23
For AG, Bihar	:	Mr Satyendra Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 20-08-2016

Heard counsel for the petitioner and counsel for the State.

Since service book of the petitioner was missing, the Court can very well appreciate as to why final authorization of pension, gratuity and other retiral dues have not been authorized and paid to the petitioner. Some provisional payments have been made but that does not help the situation in any manner.

In the supplementary counter affidavit filed on behalf of the Executive Engineer (M), Irrigation Mechanical Division, Purnia, it has been accepted that the service book of the petitioner has been

reconstructed sometime in February 2016 itself. If this be so then keeping in mind the pitiable condition of the petitioner, there is legal and moral obligation created upon the authority to ensure that the post retiral dues is now authorized and paid to the petitioner within a reasonable time frame.

The Court, therefore, directs all the respondents including the Executive Engineer (M), Irrigation Mechanical Division, Purnia, respondent no.5 or such other authority to ensure that the post retiral dues of the petitioner is now fully and finally settled within a period of three months from the date of production of a copy of this order.

Writ application stands disposed of in terms of the above direction.

Before parting, it is also recorded that the pension will be settled on the basis of grant of ACP to the petitioner, which was authorized on 24.2.2009.

(Ajay Kumar Tripathi, J)

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AFR/NAFR	NAFR
CAV DATE	
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