

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6439 of 2016

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Rajeshwar Jha S/o late Ghanshyam Jha, resident of Village- Sukhsena, PO
Bhatotar Chakla, Police Station Barhara Kothi, District Purnia

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administrative Department, Government of Bihar, Patna
2. The Principal Secretary, General Administrative Department, Government of Bihar, Patna.
3. The Principal Secretary, Urban Development and Housing Department, Bihar, Patna.
4. The Deputy-Secretary, Urban Development and Housing Department Government of Bihar, Patna.
5. The District Magistrate, Kaimur, Bhabhua.
6. Sri Dina Nath Singh, Executive Officer, Nagar Parishad, Kaimur, Bhabhua.
7. The Treasury Officer, Bhabhua.
8. The Accountant General (A & E) Bihar Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Avinash Kumar, Advocate
Mr.Krishna Chandra, Addvocate

For the Respondent Nos.1 to 5 & 7: Mr. Indradeo Prasad, SC 27

For the Respondent No.6 : Mr.Ranjani Kant Singh, Advocate

For the Respondent No.8 : Mr.Ram Kinker Choubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 23-09-2016

Heard the parties.

2. The petitioner, who has superannuated from service on 31.01.2015 from the post of Executive Officer, Nagar Parishad, Kaimur, Bhabua, has filed the present writ petition seeking a direction to the respondent authorities for payment of his entire retiral dues enumerated in paragraphs 1 as also 11 of the writ petition.

3. The learned counsel appearing on behalf of the petitioner submits that now, in view of issuance of last pay certificate by the respondent no.6, the retiral dues are required to be paid by the respondent no.2. He further submits that despite

filing of the representations before respondent no.2 and other authorities, all the retiral dues have not been paid to the petitioner till date.

4. In the present case, a counter affidavit has been filed on behalf of the respondent no.6, wherein also identical plea has been taken. However, no counter affidavit has been filed on behalf of the respondent nos. 1 to 5 as also 7 and 8.

5. In view of the nature of the grievances/claims raised on behalf of the petitioner, which have not been controverted by the respondents by filing counter affidavit till date, this Court is of the opinion that instead of keeping the matter pending asking the remaining respondents to file their counter affidavits, the interest of justice shall be subserved if the petitioner is granted liberty to file a fresh comprehensive representation with all supporting documents before respondent no.2 raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

6. If such a comprehensive representation is filed on behalf of the petitioner with all supporting documents as also with a certified copy of the present order within a period of one month from today, then the respondent no.2, the Principal Secretary, General Administrative Department, Government of Bihar, Patna, either himself or any other competent authority of the respondent State shall be obliged to consider and decide the claims of the petitioner strictly in accordance with law, by a reasoned and speaking order, after giving an opportunity of hearing to the petitioner, besides others, if any, at an early date preferably within a period of three months from the date of filing of such comprehensive representation by the petitioner.

7. If on consideration of the materials, the competent authority comes to a conclusion that the claims raised on behalf of the petitioner are admissible to him, then consequential orders shall also be issued for grant of such admissible claims without any unnecessary further delay.

8. It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner and this is left to be decided by the competent authority strictly in accordance with law.

9. The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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