

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5322 of 2016

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Shambhu Prasad Saha son of Late Ganesh Prasad Saha, resident of Janki Prasad Lane, Mundi Chak, P.O. Bhagalpur, P.S. Tilka Manjhi, District - Bhagalpur, the retired Assistant Engineer, Rural Works Department, Works Division, Danapur, Patna Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
 2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna
 3. The Engineer-in-Chief-Cum-Additional Secretary-Cum-Special Secretary, Rural Works Department, Government of Bihar, Patna
 4. The Chief Engineer, Rural Works Department, Government of Bihar, Patna
 5. The Superintending Engineer, Rural Works Department, Work Circle, Patna
 6. The Executive Engineer, Rural Works Department, Works Division, Danapur, Patna
 7. The Director, Provident Fund Directorate, Pant Bhawan, Patna
 8. The District Education officer, Patna, District - Patna
 9. The Treasury officer, Patna, District - Patna
 10. The Accountant General, Bihar, Patna Respondent/s
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Appearance :

For the Petitioner/s : Mr.S.B.K.Manglam, Advocate
Ms. Anita Kumari, Advocate

For the Respondent Nos. 1 to 9 : Mr. Rakesh Ambastha, AC to AAG 7

For the Respondent No. 10 : Mr.Satyendra Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 15-09-2016

Heard the parties.

2. In view of the nature of the grievances/claims raised on behalf of the petitioner about non-payment of his post retiral dues, fully enumerated in paragraph 1 of the writ petition, this Court is of the opinion that, instead of keeping the matter pending and asking all the 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 before the respondent no.3, the Engineer-in-chief-cum-Additional Secretary-cum-Special Secretary, Department of Rural Works,

Government of Bihar, Patna with all supporting documents raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

3. If such a fresh 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.3 either himself or any other competent authority of the respondent State, as per direction of respondent no.3, shall be obliged to consider and decide the claims of the petitioner regarding payment of his retiral dues, by a reasoned and speaking order, after giving an opportunity of hearing to the petitioners, besides others, if any, at an early date preferably within a period of four months from the date of filing of such representation by the petitioner, in the manner indicated above.

4. If on consideration of the materials, the competent authority of the State 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.

5. 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.

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

(Birendra Prasad Verma, J)

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