

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5669 of 2016

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Arun Kumar Rao, son of Late Ganesh Prasad Rao, Retired Hawaldar (Sergeant) No. 425, Bihar Military Police-5, Patna, presently residing at Village: Dhansar, P.O: Kathrang, Via: Jagdishpur, P.S: Rajaun, District: Banka.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Inspector General of Police, Bihar Military Police, Bihar, Patna.
3. Deputy Inspector General of Police, Bihar Military Police, Bihar, Patna.
4. Commandant Bihar Military Police-5, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Srinandan Prasad Singh, Adv.
Mr. Ashok Kumar, Adv.
Mr. Surendra Prasad Singh, Adv.

For the Respondent/s : Dr. A.K. Upadhyaya, SC-2
Mr. Naresh Prasad, AC to SC-2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 15-09-2016 Heard the parties.

The petitioner, claiming to have superannuated from service from the post of Sergeant (Havildar) on 28th February, 2015, has filed the present writ petition for grant of post-retiral dues, as enumerated in paragraph 4 of the writ petition.

In view of the nature of the grievances/claims raised on behalf of the petitioner in the present 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 separately, the interest of justice shall be sub-served, if the petitioner is granted liberty to file a fresh comprehensive representation before the respondent no.2 with all supporting documents and raising all the pleas, which have been raised in the

present writ petition. It is ordered accordingly.

If such a fresh comprehensive representation is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the respondent no.2 either himself or any other competent authority of the respondent State, as per his endorsement, shall be obliged to consider and decide the claims raised on behalf of the petitioner, 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 fresh comprehensive representation by the petitioner.

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 the consequential orders shall also be issued for grant of such admissible claims without any unnecessary further delay.

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

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

(Birendra Prasad Verma, J)

Arvind/-

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