

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8536 of 2012

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1. Haider Imam, Son of Late Imdad Imam, resident of Village and Post Office - Aranda, Police Station - M.H. Nagar, Hanshpura, District-Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Agriculture Department, Government of Bihar, Patna.
3. The Director, Agriculture Department, Government of Bihar, Patna.
4. Agriculture Production Commissioner, Bihar, Patna.
5. The Joint Director, Agriculture Department, Saran Division, Chhapra.
6. The District Agriculture Officer, Siwan.
7. Sub-Divisional Agriculture Officer (General), Siwan.
8. Sri Rajeshwar Pandey, Bill Clerk-cum-Accountant, Sub-Divisional Agriculture Officer (General), Siwan.
9. The Senior Account Officer, Accountant Office, Accountant Office, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shubh Narain Singh, Adv.

For the State : Mr. Lalan Kumar, AC to GP-9

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 19-08-2016



This application, under Article 226 of the Constitution of India, has been filed seeking a direction to the respondents to pay to the petitioner the remaining amount of gratuity to the tune of Rs. 1,20,104/- and further a sum of Rs. 1,91,055/-, which the petitioner was entitled to receive against other retiral dues after his retirement with effect from 30.04.2009, as an Area Assistant from the Office of Sub-Divisional Agriculture Officer, Siwan.

2. Before filing of the present application, the petitioner had approached this Court by filing C.W.J.C. No. 17646 of 2009, which came to be disposed of by an order, dated 16.12.2009, with a direction that if any representation was filed by the petitioner, the same shall be disposed of and admitted dues should be paid to him along with statutory interest without delay. Alleging non-compliance of the said order, dated 16.12.2009, the petitioner had filed a contempt application giving rise to M.J.C. No. 2433 of 2010, which came to be disposed of by an order, dated 29.06.2011, passed by this Court.

3. It appears from the said order, dated 29.06.2011, that though the petitioner had received certain payments against his post-retirement entitlements, but, according to the petitioner, he was entitled for more than what was paid to him. He was, in such circumstance, given

an opportunity to bring those facts to the notice of the concerned respondents for consideration of his grievances, so that if any further amount was found admissible, the same could be paid to him.

4. It, however, appears that before the said order, dated 29.06.2011, was passed, the Joint Director, Agriculture Department, Saran Division, Chapra, had passed an order, dated 12.03.2011, to the effect that the petitioner had taken some advances, which he could not account for, and a total sum of Rs. 1,91,055/- was required to be recovered from his post-retiral entitlements. The said order, dated 12.03.2011, was never challenged. Even in the present proceeding, I do not find any explanation set forth on behalf of the petitioner to the effect that the said amount was not recoverable from him. It also appears that for another advance, which the petitioner had taken, a sum of Rs. 1,20,104/- has already been recovered from his gratuity entitlement.

5. There being absence of pleading on the aspect as to whether the petitioner had accounted for the advances, which he had taken, this Court cannot issue direction to the respondents to pay the said amount to the petitioner.

6. However, in the facts and circumstances of the case, it is observed that if the petitioner approaches the Joint

Director, Agriculture Department, Saran Division, Chapra, within a period of three weeks from today, with an explanation that the said amount was not recoverable from him and he had accounted for or is ready to account for the advances, which he had taken, he (the Joint Director) will have to consider it. If the petitioner is in a position to satisfy the Joint Director, Agriculture Department, Saran Division, Chapra, that the amounts are not recoverable, the amount of gratuity will be required to be paid to the petitioner within a period of one month from the date the Joint Director comes to the conclusion. In the event the Joint Director is not satisfied with the explanation, submitted by the petitioner, he shall be required to pass a reasoned and speaking order within a period of one month from the date of filing of representation by the petitioner.

7. This application is, accordingly, disposed of.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.8.2016
Transmission Date	N.A.