

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17275 of 2014

=====

Ram Ratan Rajak S/o Late Sukaar Rajak, Resident of Village Athnama, P.S. Barh, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The District Panchayat Raj Officer, Patna.
4. The Deputy Development Commissioner, Patna.
5. The Block Development Officer, Fatuha, Patna.
6. The District Provident Fund Officer, Patna.
7. The Accountant General, Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Sinha

For the Respondent/s : Dr. Raj Kumar Singh, AC to SC-8

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 30-01-2016 Heard the parties.

The petitioner, who has superannuated from service from the post of Panchayat Sachiv w.e.f. 01.05.2013, has filed the present writ petition under Article 226 of the Constitution of India for the reliefs enumerated in paragraph-1 of the writ petition, which reads as follows:-

“1. That by this application the petitioner prays for issuance of any appropriate writ, order, direction commanding the respondents to grant the following reliefs:

- (I) To fix and pay pension as per recommendation of 6th Pay revision Committee.
- (II) To pay the gratuity, unavailed earned leave salary amount of Insurance, provident fund with admissible interest etc. which has not been paid to the petitioner after his retirement from service as Panchayat Sachiv from Fatuha Block, District Patna with effect from 01.05.2013.

(III) Any other relief/ reliefs the petitioner may be found to be entitled to in the facts and circumstances of the case.”

The learned counsel appearing on behalf of the petitioner submits that during the pendency of the writ petition some part of the retiral dues have been paid to the petitioner and some part of the retiral dues are yet to be paid to him. Therefore, he submits that an appropriate direction may be issued to the concerned respondents for payment of remaining retiral dues of the petitioner.

In the present case, a counter-affidavit has been filed on behalf of the respondent no. 2 and 5, besides others. In paragraph-15 of the aforesaid counter-affidavit it has been stated that entire admissible retiral dues of the petitioner has been sanctioned for its payment after deduction of the advance amount of Rs. 8, 36, 648/- and remaining amount shall be paid to the petitioner after obtaining appropriate order.

The learned AC to SC-8 appearing on behalf of the respondents has fairly conceded that there is no averments that remaining amount has already been paid to the petitioner. He submits that some of the retiral amount, which is still due, shall be paid to the petitioner within a period of two months.

In view of the aforesaid submissions made by the learned counsel appearing on behalf of the parties, the respondent no. 5 is hereby directed to make payment of all remaining retiral dues of the petitioner within a period of two months from the date of receipt/ production of a copy of this order, in view of the averments made by him in paragraph-15 of the counter-affidavit.

In order to expedite the matter, the petitioner is directed to appear before the respondent no. 5 with a certified copy of the

present order within a maximum period of one month from today, whereafter the respondent no. 5 shall take all appropriate steps for payment of remaining retiral dues of the petitioner within the time prescribed above.

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

(Birendra Prasad Verma, J)

BTiwary/-

U			
---	--	--	--