

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14496 of 2014

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Rambahadur Bhagat son of Late Atwari Bhagat Resident of Village Mali,
P.S. Beldaur, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. The Chief Engineer, Water Resources Department, Bhagalpur.
4. The Superintending Engineer, Water Resources Department, Irrigation Circle, Bhagalpur.
5. The Executive Engineer, Irrigation Division, Bhagalpur.
6. The Treasury Officer, Bhagalpur.
7. The Accountant General, Birchand Patel Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Prasad

For the Respondent/s : Mr. Gp-17 Binodji Verma

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 30-01-2016 Heard Sri Chandra Bhusan Prasad, learned counsel for
the petitioner and learned AC to GP No. 17.

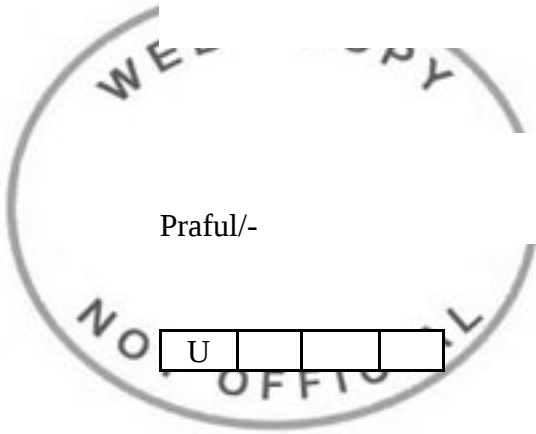
The present writ petition was filed initially with a prayer to direct the respondents to pay all the retiral dues including gratuity and amount against earned leave encashment.

Learned counsel for the petitioner submits that during the pendency of the writ petition pension has already been fixed and petitioner has been paid his gratuity amount. So far as amount against leave encashment is concerned, though payment has been made, incorrectly huge amount has been deducted on the plea that

petitioner had taken advance. The said order has been brought on record through the interlocutory application. Learned counsel for the petitioner submits that all the advances which petitioner had taken were already adjusted. However, in view of the facts and circumstances, the court is of the opinion that since pension has already been fixed and gratuity amount has been paid to the petitioner and only dispute is in respect of deduction of certain amount on the plea of advance against leave encashment amount, the writ petition can be disposed of granting liberty to the petitioner to file a detailed representation before the Executive Engineer, Irrigation Division, Bhagalpur /respondent no. 5 regarding his claim for clearance of all the advances amount with supporting documents and payment of deducted amount. If such representation is filed before the respondent no. 5 within a period of six weeks from today the respondent no. 5 is required to examine the representation of the petitioner and pass appropriate order in accordance with law within a period of two months thereafter. If he considers that claim of the petitioner is genuine, he is required to make payment of the entire amount against the earned leave as was sanctioned i.e. Rs. 7,29,000/-. If the claim of the petitioner is not considered in his favour, the respondent no. 5 is required to pass a speaking order and communicate the same

to the petitioner within the aforesaid time.

The writ petition stands disposed of.



(Rakesh Kumar, J)

Praful/-

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