

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17447 of 2014

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Parmeshwar Mahto Son of Late Banwari Mahto, Resident of Village-
Pulkahan, P.S.- Sonbarsa, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Finance, Government of Bihar,
Patna
3. The Deputy Commissioner, Commercial Taxes Department, Bettiah
Circle, West Champaran null null
4. The Assistant Commissioner, Commercial Taxes Department, Bettiah
Circle, West Champaran
5. The Treasury Officer, Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Verma

Mr. Krishna Prasad

Mr. Suman Kumar Verma

For the Respondent/s : Mr. Dev Kumar Pandey, AC to G.P.-6

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 30-01-2016 Heard the parties.

The petitioner, who has superannuated from the post of peon in the office of Assistant Commissioner, Commercial Taxes, Bettiah on 29.02.2012, has filed the present writ petition raising a grievance that his all retiral dues have not been paid till date, though since the date of retirement more than two years have already elapsed.

The learned counsel appearing on behalf of the petitioner submits that only GPF amount has been paid to the petitioner and other retiral dues have not been paid to him despite several representations filed on his behalf.

In the present case two sets of counter-affidavits, one on behalf of the respondent no.2 and other on behalf of the respondent no.3, have been filed. Learned AC to GP-6 appearing on behalf of the respondents, by referring to the averments made

in the aforesaid counter-affidavit submits that the payment of lawful retiral dues of the petitioner is under process, but he has fairly submitted that all the retiral dues of the petitioner have not been paid to him, as per the averments made in the aforesaid counter-affidavit.

By way of reply, the learned counsel appearing on behalf of the petitioner has drawn the attention of the Court towards the averments made in paragraph-8 of the counter-affidavit filed on behalf of the respondent no. 3, wherein it has been admitted that several retiral dues of the petitioner are yet to be paid for the reasons disclosed in the aforesaid counter-affidavit.

After having heard the parties and taking into consideration the materials available on record, this Court is of the opinion that instead of keeping the matter pending awaiting further affidavit either from the side of the petitioner or from the side of the respondents, the interest of justice shall be sub-served if the petitioner is granted liberty to file a fresh comprehensive representation before the respondent no. 3 with all supporting documents raising all the pleas, which have been raised in the present writ petition with respect to the surviving claims or retiral dues. It is ordered accordingly.

If such a 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.3 either himself or any other competent authority of the respondent State shall be obliged to consider and decide the valid claim of the petitioner by a reasoned and speaking order after giving an opportunity of personal hearing to the petitioner, at an early date preferably within a period of three months from the date of filing

of such representation by the petitioner.

If on consideration of materials and after giving an opportunity of hearing to the petitioner, the respondent no.3 or any other competent authority of the respondent State comes to a conclusion that the claims raised on behalf of the petitioner are admissible to him, then consequential order shall also be issued for grant of such admissible claims and payment of admissible retiral dues without any unnecessary further delay.

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

(Birendra Prasad Verma, J)

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