

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5563 of 2012

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Babue Lal Mandal, Son of Late Ram Swaroop Mandal, Resident of
Village - Katharwa, Post Office - Basopatti, Police Station -
Basopatti, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Madhubani.
3. The Block Development Officer, Laukahi, District - Madhubani.
4. The Circle Officer, Laukahi, District - Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Prasad, Adv.

For the State : Mr. S. Kumar, AC to AAG-4

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL JUDGMENT & ORDER

Date: 09-08-2016

A counter affidavit has been filed today on behalf
of respondent Nos. 2, 3 and 4, though the writ application
was filed in the month of March, 2012 after serving the copy
of the same upon the office of the Advocate General, Bihar,
Patna.

2. Heard learned counsel, appearing on behalf of
the petitioner, and learned counsel, appearing on behalf of

the respondents-State of Bihar.

3. The petitioner retired as Jan Sevak with effect from 28.02.2004. He filed this writ application, under Article 226 of the Constitution of India, seeking a direction for payment of certain post-retiral dues including amounts of Gratuity and Group Insurance. It appears that during the pendency of this application, the amount of Group Insurance has been paid to the petitioner.

4. In the counter affidavit, filed on behalf of respondent Nos. 2, 3 and 4, it has been stated that the amount of Gratuity to the tune of Rs. 1,10,600/- has not been paid to the petitioner since he had failed to adjust certain amount, which he had taken as advance during his service period for execution of certain work. The details of the advance, so made to the petitioner, have been brought on record by way of Annexure-D to the counter affidavit.

5. Upon perusal of Annexure-D of the counter affidavit, I find that there is reference of advance taken by the petitioner between the years 1987 to 1992. There are almost six instances, out of total thirteen, where no purpose has been mentioned for which the said advance was taken by the petitioner. There is nothing on record to show that any step was taken by the Department for getting the said amount adjusted or recovering the amount till the petitioner

retired, nearly twelve years thereafter in the year 2004. Further, it seems that no procedure, recognized under law, has been followed for withholding the amount of Gratuity.

6. Considering the pleadings on record, including the averments made in the counter affidavit, as discussed above, this application is allowed.

7. The respondents are directed to ensure payment of amount of Gratuity to the petitioner with interest @ 8% per annum within a period of two months from today. In the event, the said amount of Gratuity is not paid to the petitioner within stipulated period; it will carry an additional interest @ 12% per annum thereafter.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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