

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17481 of 2015

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Rajendra Sharma aged about 66 years, S/o Late Ganga Sagar Sharma, resident of Jayantipur, P.O. Jayantipur, P.S. Ghoshi, District- Jehanabad.

.... Petitioner

Versus

1. Bihar State Housing Board through the Managing Director having his office at 6 Mangles Road, P.S. Sachivalaya, District Patna.
2. The Secretary Bihar State Housing Board having his office at 6 Mangles Road, P.S. Sachivalaya, District- Patna.
3. The Executive Engineer, Muzaffarpur, Division, Bihar State Housing Board having his office at Muzaffarpur, District- Muzaffarpur.
4. The Regional Commissioner Employees Provident Fund having his office at R. Block Chauraha, P.S.- Sachivalaya, District Patna.
5. The Divisional Manager, Life Insurance Corporation of India, Fraser Road, P.S.- Kotwali, District- Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Vikas Mohan, Advocate
For the Respondent no. 4 : Mr. Rakesh Kumar Singh, Advocate
For the Respondent no. 5 : Mr. Rajeev Ranjan Prasad, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 11-05-2016

Heard parties.

It is contended on behalf of the petitioner that his post retrieval dues such as pension, gratuity, leave encashment, C.P.F. and group insurance w.e.f. 01.03.2009 have not been paid.

Learned counsel appearing for the Regional Commissioner Employees Provident Fund has submitted that the Contributory Provident Fund has already been paid to the petitioner. So far pension is concerned, he submits that whenever the necessary documents will be transmitted and the intimation would be given by

the Housing Board to the respondent no. 4, petitioner's pension would also be fixed accordingly.

Learned counsel appearing for the Life Insurance Corporation Ltd. submits that the moment it will receive intimation from the Housing Board regarding the petitioner and others showing that the petitioner is the member of Group Insurance Scheme, his insurance amount would be settled.

The Housing Board which has neither filed any affidavit nor is his counsel ready with any instruction as he only states that petitioner's service book has to be obtained from Jamshedpur as the petitioner had served in the State of Jharkhand for certain periods. However, it is surprising that though copy of the writ petition was served on 01.10.2015 itself nothing more has come from the end of the Housing Board.

Accordingly this writ application is being disposed of with a direction to the Managing Director of the Housing Board to look into the grievance of the petitioner and take necessary steps for payment of his post retrieval dues and for necessary intimation and transmission of concerned documents to the Life Insurance Corporation of India as well as respondent no. 4, the Regional Commissioner Provident Fund for fixation of pension of the petitioner by it. Decision for payment of gratuity, leave encashment etc. should

also be taken along with that. The whole exercise should be completed within a period of three months from the date of receipt/ production of a copy of this order. The necessary payment of admissible retiral dues should be made within such period after a receipt of a copy of this order, failing which, the petitioner would be entitled for simple interest upon the unpaid admissible amount @ 8% p.a. however where statutory interest is required to be paid, the same should be calculate and paid to the petitioner in accordance with law.

(Dr. Ravi Ranjan, J.)

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