

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7355 of 2016

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Premchand Roy son of Late Deep Narayan Rai, resident of Mohalla-Saristabad, East Tola, P.S. Gardanibagh, District- Patna, the retired typist from the office of the Director, Technical Development Directorate, Industry Department, Bihar, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Industry Department, Government of Bihar, Patna.
3. The Director, Technical Development Directorate, Industry Department, Government of Bihar, Patna.
4. The Additional Secretary-cum-Incharge of Pension Cell, Industry Department, Government of Bihar, Patna.
5. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the Respondent Nos. 1 to 5: Mr. Madanjeet Kumar, GP 20
For the Respondent No. 6 : Mr.L.K.Priyadarshi, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 23-09-2016

Heard the parties.

2. The petitioner, who claims to have superannuated from service on 30.09.2013 from the post of Typist from Technical Development Directorate, Department of Industries, Government of Bihar, Patna, has filed the present writ petition seeking a direction to the respondent authorities for payment of his retiral dues, fully detailed in paragraph 1 of the writ petition.

3. The learned counsel appearing on behalf of the petitioner submits that, during the pendency of the present writ petition, Group insurance amount has been paid to the petitioner but other retiral dues have not been paid till date despite representation filed by the petitioner to the authorities concerned.

4. The present writ petition was filed on 25.04.2016

after service of its two copies upon the learned Advocate General, Bihar, Patna, but till date no counter affidavit has been filed on behalf of the respondents.

5. In above view of the matter and in view of the nature of the grievances/claims raised on behalf of the petitioner, this Court is of the opinion that instead of keeping the matter pending asking the respondents to file their counter affidavits, the interest of justice shall be subserved if the petitioner is granted liberty to file a fresh comprehensive representation with all supporting documents before respondent no.3 raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

6. If such a fresh comprehensive representation is filed on behalf of the petitioner with all supporting documents as also with a certified copy of the present order within a period of one month from today, then the respondent no.3, the Director, Technical Development Directorate, Department of Industries, Government of Bihar, Patna, either himself or any other competent authority of the respondent State, as per his endorsement, shall be obliged to consider and decide the claims of the petitioner strictly in accordance with law, by a reasoned and speaking order, after giving an opportunity of hearing to the petitioner, besides others, if any, at an early date preferably within a period of two months from the date of filing of such comprehensive representation by the petitioner.

7. If on consideration of the materials, the competent authority comes to a conclusion that the claims raised on behalf of the petitioner are admissible to him, then consequential orders shall also be issued for grant of such admissible claims without

any unnecessary further delay.

8. It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner and this is left to be decided by the competent authority strictly in accordance with law.

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

(Birendra Prasad Verma, J)

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