

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8209 of 2016

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Chandra Pratap Pathak S/o - Late Raghunath Pathak R/o Village & P.O. -
Nagawa, P.S. - Dubahar, District - Balia (Uttar Pradesh).

.... Petitioner/s

Versus

1. The State of Bihar through the Special Secretary, P.H.E.D., Bihar, Patna.
2. The Engineer-in-Chief cum Special Secretary, P.H.E.D., Bihar (Patna).
3. The Zonal Chief Engineer, PHED, Bhagalpur.
4. The Superintending Engineer, P.H.E.D., Munger.
5. The Executive Engineer, P.H.E.D., Jamui.
6. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Respondent Nos. 1 to 5: Mr. Md.Mujtabaul Haque, GP 12

For the Respondent No.6 : Mr. Prabhat Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 30-09-2016

Heard the parties.

2. The petitioner, who claims to have superannuated from service from the post of Executive Engineer, P.H.E.D., Jamui on 29.02.2016, has filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondent-authorities for payment of his all post retiral dues and for fixation of pension with effect from 01.03.2016 as also for payment of his other lawful dues, which all have enumerated in paragraph 1 of the writ petition.

3. In view of the nature of the grievances/claims raised on behalf of the petitioner in the present writ petition, this Court is of the opinion that instead of 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 before the respondent no.2, the Engineer-in-Chief-cum-Special Secretary, P.H.E.D., Bihar, Patna

with all supporting documents and raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

4. If such a fresh 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.2, 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 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.

5. 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 benefits shall be granted to him without any unnecessary further delay.

6. 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.

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

(Birendra Prasad Verma, J)

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