

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3156 of 2012

=====

1. Maheshwari Prasad Singh Son Of Late Baichath Prasad Singh Resident
Of Bhatta Road Near Birju Kali Mandir Bhikhanpur Gumti No. 2 P.S.
Ishakchak District Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar Through Secretary-Cum-Commissioner, Water
Resources Department, Bihar, Patna
2. Superintending Engineer Ganga Pump Canal. Water Resources
Department, Bhagalpur
3. Executive Engineer Ganga Pump Canal Division Kahalgaon, Bhagalpur
4. Assistant Engineer Ganga Pump Canal Division Kahalgaon District
Bhagalpur
5. The Accountant General Bihar, Patna
6. The Provident Fund Officer, Bhagalpur
7. The Treasury Officer, Bhagalpur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Ms. Pravina Kumari
For the Respondent/s : Mr. Arun Kumar Bhagat, AAG-12
For Accountant General : Mr. Sanjay Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

7 09-08-2016 Heard learned counsel for the parties.

This writ application has been filed seeking a
direction to the respondents to pay to the petitioner
admissible gratuity, arrears of pension and cash equivalent to
unutilized earned leave.

Learned counsel for the petitioner has submitted
that full gratuity and arrears of pension have been paid to the
petitioner. So far as cash equivalent to unutilized earned
leave is concerned, it is his stand that the same has been
paid after making deduction of a sum of Rs. 1, 52,597/-

without giving petitioner any opportunity of being heard.

Considering the admitted fact as noted above, this application is disposed of with a direction to the Executive Engineer, Ganga Pump Canal Division, Kahalgaon, Bhagalpur, to give the petitioner an opportunity to explain why the said amount of Rs. 1,52,597/- was sought to be recovered from him, which has been adjusted against admissible cash equivalent to unutilized earned leave. Such show cause notice should be issued to the petitioner within a period of four weeks from the date of receipt/production of a copy of this order.

If a notice in this regard is served upon the petitioner and the petitioner files his response to the said notice within the period stipulated therein, the Executive Engineer, Ganga Pump Canal Division, Kahalgaon, Bhagalpur will be required to pass reasoned and speaking order within a period of one month thereafter. If the Executive Engineer, feels satisfied with the explanation so submitted by the petitioner and comes to a conclusion that the said amount of Rs. 1,52,597/- has wrongly been deducted, he will ensure that the said amount is paid to the petitioner within a period of three weeks thereafter.

Learned counsel for the petitioner has submitted that the petitioner is entitled for interest on delayed payment

of post retiral dues.

However, considering the facts and circumstance, particularly, the fact that during the pendency of this application, the admissible dues have been paid to the petitioner, I do not intend to pass any order for payment of interest on delayed payment.

This application stands disposed of with the aforesaid observations and directions.

(Chakradhari Sharan Singh, J)

ArunKumar/-

U			
---	--	--	--