

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1980 of 2014

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1. Ram Awadh Prasad Son Of Late Radha Kishun Prasad @ Radha Krishna Prasad Resident Of Village Duaari, P.O. Munji, P.S. Karakat, Distt. Rohtas At Sasaram. At Present Residing At Canal Road, Edgah Mohalla Ward No. 23, Dehri On Sone, P.S. Dehri, Distt. Rohtas At Sasaram

.... Petitioner/s

Versus

1. The State Of Bihar Through Chief Secretary, Bihar, Patna
 2. The Dehri Dalmianagar Municipality, Dehri, Distt. Rohtas through its Chief Executive Officer, Dalmianagar, Dehri Municipality, Rohtas null null

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate
 Mrs. Arti Kumari, Advocate
 For the State : Mr. SC 29
 For the Nagar Parishad : Mr. Avinash Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 10-05-2016 The petitioner was appointed as Enoculator (Tikakar) in the year 1959 in Dehri-Dalmianagar Municipality. He retired from service on 2.2.2009. He has filed the instant writ application for payment of retrial dues.

A counter affidavit has been filed on behalf of respondent No.2, wherein in paragraph 7 it has been stated that a sum of Rs.95,073/- was sanctioned towards gratuity and a sum of Rs.46,096/- was calculated towards the leave encashment. The arrears of pension from February, 2006 to September, 2015 has been calculated at Rs. 1,11,360/-. It has been further stated in paragraph 9 that a cheque, bearing no. 716125, dated 9.10.2015 to

the tune of Rs.2,52,529/- was issued but the petitioner did not turn up to receive the same. Thereafter, the petitioner was also informed vide letter No.700, dated 23.11.2015.

Having regard to the facts and circumstances of the case, this writ application is disposed of in the following terms:

i) The petitioner should first approach the Executive Officer, Dehri-Dalmianagar Municipality for receiving a sum of Rs.2,52,529/-, who would forthwith hand over the cheque for the said amount to the petitioner without any delay.

ii) In case the petitioner is dissatisfied with the amount paid, it would be open for him to take resort to remedy available under law.

(Samarendra Pratap Singh, J)

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