

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16904 of 2014

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Binit Kumar Sinha, son of late Saroj Kumar Sinha, Resident of Village:
Peshour, PO: Rahui, P>S: Rahui, District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary-cum-Commissioner, Health Services of Bihar, Patna
3. Director-in-Chief, Health Services, Bihar, Patna
4. Director, Health Services, Bihar, Patna
5. The Deputy Director, Health Services, Bihar, Patna
6. Civil Surgeon-cum-Chief Medical Officer, Purnea
7. Incharge Medical Officer, Referral Hospital Rupauli.

... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Ranjit Ranjan

For the Respondent/s : Mr. Satya Deo Kumar, SC-5

Mr. Mohan Kumar Singh, AC to SC-5

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 21-07-2016 Heard learned counsel for the parties.

This application has been filed by son of the deceased late Saroj Kumar Sinha, seeking direction for payment of death-cum-retiral benefits against monthly pension, gratuity, cash equivalent to earned leave, general provident fund amount and the amount of group insurance.

As per pleadings in the writ application, late Saroj Kumar Sinha, had joined the post of Sanitary Inspector in the office of Civil Surgeon, Purnea on 19.01.1960. He is said to have retired after attaining the age of superannuation on 31.08.1999 and died on 31.03.2008.

There is no pleading on record as to what did the



petitioner's late father do for release of his pensionary dues during life time inasmuch as he survived for nearly seventeen and half years after his retirement. It appears that much after the death of the deceased employee, the petitioner filed an application on 27.09.2008 before the Civil Surgeon-cum-Chief Medical Officer, Purnea for payment of retiral dues and the benefits of time bound promotion and ACP which the deceased employee was entitled to. There are averments with respect to the subsequent filing of the representations by the petitioner before the Civil Surgeon.

Counter affidavit and a supplementary counter affidavit have been filed on behalf of the Respondents State of Bihar. It has not been disputed that the petitioner was appointed in the year 1960. It has, however, been asserted that the petitioner's father had remained absent for considerable period of time from 1966 to October, 1970. It has also been stated that the petitioner's father had absented himself from duty for a long period before he attained the age of superannuation. For the purpose of clearing his post retiral dues, the office of the Incharge Medical Officer, Rupauli (Purnea), had to issue a press communiqué requesting the deceased employee to appear before the Incharge Medical Officer and submit certain documents. It is also the case of the respondents State of Bihar that the

deceased employee did not submit any document. His service book was also not traceable. After the death of the petitioner's father, the petitioner supplied to the respondents a copy of the service book. On the basis of the entries made in the service book, the papers were prepared and to the maximum, which was possible the post retiral dues have been calculated and paid to the petitioner.

It is also the stand on behalf of the State of Bihar that the deceased employee has been given benefit of first time bound promotion and Assured Career Progression.

The arrears of provisional pension and the general provident fund amount have also been paid to the petitioner on the basis of the records available with the Department.

Considering the peculiar facts and circumstances of the case, I dispose of the application; keeping in mind that grievances of the petitioner have substantially been redressed, with a direction to the respondents to furnish to the petitioner the details of calculation with respect to payments made to the petitioner against various heads, within a period of two months from today.

The petitioner will have a liberty to raise any grievance on the basis of the said calculation before the competent authority within a period of one month thereafter. If any grievance is raised by the petitioner in terms of the

present order, the respondent shall be obliged to consider it and decide the same positively within a period of one month thereafter. If any amount is found payable to the petitioner against any heads, the same shall be paid to the petitioner forthwith.

This application is disposed of with the above observations.

(Chakradhari Sharan Singh, J)

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