

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13343 of 2014

1. Mohammad Ashraf, son of Late Safuddin, Resident of Village-Bhikhachak, P.S.- Belaganj, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Health and Family Welfare, Govt. of Bihar, Patna
3. The Director-in-Chief, Department of Health and Family Welfare, Govt. of Bihar, Patna
4. The Civil Surgeon-cum-Chief Medical Officer, Gaya
5. The Medical Officer-in-Charge, Primary Health Centre, Belaganj, District- Gaya
6. The Director-cum-Joint Commissioner (Accounts), General Provident Fund, Pant Bhawan, Bailey Road, Patna
7. The District Provident Officer, Gaya
8. The Accountant General, Bihar, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Anjani Kumar Sinha
Mr. Bijendra Prasad Sinha
For the State : Mr. Abhimanyu Vatsa, AC to GA 9
For Accountant General : Mr. Viveka Nand Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 21-07-2016 Heard learned Counsel for the parties concerned.

The petitioner was appointed as Buniyadi Swastha Karyakarta in the year 1982. In the year 2000, it was detected that the matriculation certificate, which he had submitted in support of his qualification at the time of joining his service, was forged, that led to lodging of the First Information Report. At the trial, the petitioner was

convicted for the offence punishable under Section 420, 468 and 471 of the Indian Penal Code. However, the Appellate Court recorded acquittal of the petitioner in the year 2012.

This is not in dispute that the petitioner was acquitted by the Appellate Court by giving him the benefit of doubt. The said judgment does not contain any finding that the said matriculation certificate of the petitioner was genuine.

After judgment and order of the Appellate Court, the petitioner was allowed to join by an order, dated 16.10.2012. Subsequently, by an order, dated 17.05.2013, passed by Civil Surgeon -cum- Chief Medical Officer, Gaya, services of the petitioner has been terminated, cancelling the earlier order, dated 16.10.2012.

The petitioner, in the present application, seeks direction for payment of post retiral dues including pension, gratuity, leave encashment, General Provident Fund amount and Group Insurance Scheme amount, etc.

This is not in dispute that after lodging of the First Information Report in the year 2000, the petitioner did not discharge his duties till 16.10.2012. The petitioner attained the age of superannuation on 30.04.2014, before which the order, dated 17.05.2013, came to be issued,

terminating his services.

Till the order, dated 17.05.2013, is not interfered by the competent Authority/Court, the petitioner cannot be said to be entitled for pension or gratuity under the Bihar Pension Rules.

The petitioner, however, contends that when he was in service, certain amount was deducted from his salary and the same was deposited in his provident fund account. He also submits that Groups Insurance Scheme amount may also be directed to be paid to the petitioner.

Considering the facts and circumstances, this application is disposed of with a direction to the District Provident Fund Officer, Gaya, to ensure payment of General Provident Fund amount to the petitioner, on the basis of deposits made in his account, within a period of two months from the date of receipt/production of a copy of this order.

So far as Group Insurance Scheme amount is concerned, I do not find that there would be any difficulty in clearing the same.

Let the respondents ensure that the said amount is also paid within the aforesaid period of two months.

This application is disposed of accordingly.

It is made clear that the petitioner shall be at liberty to raise his claim for payment of other post retiral dues, if the said order, dated 17.05.2013, is interfered with subsequently by the competent Authority/Court.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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