

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13536 of 2016

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Rajendra Prasad son of Karu Prasad, resident of village- Kanalbigha, P.O.- Bilari, P.S. - Katrisarai, District-Nalanda, presently resides in Mohalla- Patel Nagar, near Azad Lodge, P.S.- Nawadah, District- Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Building Construction and Housing Department, Bihar, Patna.
2. The Chief Engineer, Dakshin Bihar Upbhadg, Building Construction Department, Bihar, Patna.
3. The Superintendent Engineer, Building Construction and Housing Department, Gaya Building Circle, Gaya.
4. The Executive Engineer, Building Division, Aurangabad.
5. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha, G.A.-1
: Mr. Aditi Hansaria, A.C. to G.A.-1

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 14-02-2017

In the present writ application the petitioner has prayed for a direction to be issued to the respondents to pay his pre and post-retiral benefits.

2. It is submitted by the learned counsel for the petitioner that the petitioner retired on 29th February, 2016 from the post of Accounts Clerk from the office of Executive Engineer, Building Division, Aurangabad. It is submitted that after retirement the petitioner submitted his representation on 09.06.2016 and 15.06.2016 along with pension papers in three copies in the office of the



Executive Engineer, Building Division, Aurangabad (respondent no.4) requesting therein to pay his retiral dues, but the respondent no.4 paid no heed to his representation and nothing was paid to him till the date of filing of the present writ application.

3. A counter affidavit has been filed on behalf of respondents no.1 to 4. It is stated in the counter affidavit that the benefits in favour of the petitioner under group insurance scheme has been sanctioned vide letter no.69 dated 19.01.2017 and the amount is to be paid through the Treasury and the final bill has already been sent to the Treasury. It is also submitted that the District Provident Fund Officer, Aurangabad has forwarded with all the deduction statements up-to-date through different letters and lastly on 19.01.2017 for issuance of authority slip in favour of the petitioner. It is also stated that earned leave has also been sanctioned in favour of the petitioner vide letter no.76 dated 24.01.2017.

4. A counter affidavit has also been filed on behalf of respondent no.5, Accountant General, Bihar, Patna wherein it has been stated that after receiving the sanction order along with pension papers from the Executive Engineer, Building Division, Aurangabad, the amount of pension, gratuity and commutation of the pension have been authorized vide letter dated 03.02.2017 and it has been sent to the Treasury Officer, Nawadah for payment.



5. Referring to the statements made in the counter affidavit filed on behalf of respondents no.1 to 4, learned counsel for the State submitted that most of the grievances of the petitioner have been redressed and the remaining grievances in respect of post-retiral dues would also be redressed positively within a period of four weeks.

6. Considering the stand of the State and the submissions made by the learned counsel for the State, the writ application is disposed of with a direction to the respondent State to make payment of all the remaining post-retiral dues to the petitioner within a period of six weeks from today. The order passed by this Court shall be communicated to the respondent authorities by the learned counsel for the State.

7. So far as the issue of pre-retiral dues is concerned, the petitioner, if so advised, may file a separate writ application as this Court has not been assigned with roster of salary matter.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.2.2017
Transmission Date	

