

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12977 of 2016

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Shashi Bhushan Kumar Sinha, Retired as Block Education Officer, Goh Block, Aurangabad, Son of Late Ramchandra Singh, Resident of Village- Bhaikh, P.S. Makhdumpur, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education Government of Bihar, Patna.
4. The Regional Deputy Director, Magadh Division, Gaya.
5. The District Magistrate, Aurangabad.
6. The District Education Officer, Aurangabad.
7. The District Programme Officer (Establishment), Aurangabad.
8. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the State	:	Mr. Madanjeet Kumar, G.P. 20
For the Accountant General	:	Mr. Nivedita Nirvikar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 19-08-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court for payment of his retiral dues.

3. From the Counter affidavit and supplementary counter affidavit filed on behalf of the State authorities, it transpires that due to non availability of the service book of the petitioner, the remaining payment of his retiral dues has been held up. In this connection, a substantive FIR being Goh P.S. Case No. 212 of 2013 has also been lodged against the petitioner on 31.10.2013, for not



having handed over charge of the office. A copy of the said affidavit was served on learned counsel for the petitioner on 16.01.2017, but there is no rejoinder to the same.

4. Having considered the matter, the authorities cannot be directed to make the remaining payment in absence of the service book of the petitioner and once an FIR has been lodged against the petitioner for non furnishing of various other materials including his service book and also not hading over charge of the office from where he had been shifted, such issues of fact cannot be decided in a writ petition.

5. In view of the aforesaid, the writ petition stands disposed off. However, it shall be open to the petitioner to move before the authorities and hand over the service book to the authority concerned for taking appropriate action in accordance with law. If the same is done, the authority concerned, shall take appropriate action in the matter with regard to paying the remaining retiral dues of the petitioner without undue delay.

(Ahsanuddin Amanullah, J.)

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