

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11274 of 2014

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Nesar Ahmed Mallick son of Late Md. Zafiruddin Mallik, resident of Mohalla -
New Millat Colony, Sector-3, Nalanda Chouk, P.S.- Phulwarisharif, District -
Patna, Pin - 801505

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Animal and Fisheries Resources (Dairy Development Directorate) Bihar, Patna
2. The Director, Department of Animal and Fisheries Resources (Dairy Development Directorate) Bihar, Patna
3. The District Dairy Development Officer, Khagaria
4. The District Dairy Development Officer, Madhepura
5. The Treasury Officer, Patna
6. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abdul Mannan Khan, Advocate

For the Respondent/s : Mr. Alok Ranjan, Advocate

For the Accountant General : Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 03-04-2017

I.A. No.1479 of 2016

Learned counsel for the petitioner seeks leave to withdraw the present interlocutory application in order to file another writ application in respect of additional prayer made in the interlocutory application.

2. Prayer is allowed.



3. The present interlocutory application is disposed of as withdrawn.

C.W.J.C. No.11274 of 2014

The instant writ application has been filed by the petitioner for payment of retiral benefits, who superannuated on 31.01.2014 as Head Clerk from the office of the District Dairy Development Officer, Khagaria.

2. It is submitted by the learned counsel for the State that the petitioner has already been paid due payment under the head general provident fund, gratuity and group insurance. It is further stated that the petitioner is not entitled to get leave encashment as there is no leave balance in his account. It is further contended that the respondent no.5 requested the petitioner through several letters i.e., letter no.326 dated 09.02.2013, letter no.1977 dated 13.08.2013, letter no.2268 dated 12.09.2013, letter no.72 dated 04.02.2015, letter no.389 dated 18.03.2015 and letter no. 2206 dated 26.10.2016 to produce the required documents in support of his retiral claims so as to ensure payment as authorized, but the petitioner did not bother to appear before the respondent no.5.

3. On the other hand learned counsel for the petitioner submitted that it is not true that the petitioner is not responding to the letters issued by the respondent no.5 rather the petitioner is being



illegally harassed by the respondent no.5 and his claim of pension and other retiral dues are being delayed on one pretext or another.

4. Having regard to the submissions made on behalf of the parties, the writ application is disposed of with a direction to the petitioner to appear before respondent no.5 within ten days from today in order to satisfy him in respect of the required documents and in case the petitioner appears within the stipulated period and produces the required documents, the respondent no.5 shall pay him all his admissible dues within four weeks. In case the respondent no.5 finds the documents furnished by the petitioner to be not satisfactory, he shall immediately inform the petitioner by sending him a registered mail disclosing the reasons for not being satisfied.

5. It is made clear that any laxity on the part of the respondent no.5 would be deemed to be an utter defiance to the order of this Court.

6. With the aforesaid observations and directions, the writ application is disposed of.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	5.4.2017
Transmission Date	

