

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12667 of 2016

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Prajapati Chaudhary, Son of Late Ram Charitra, Chaudhary, resident of Village Moujumabad, P.O.- Narayanpur, P.S.- Bihpur, (Bhavanipur) District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Collector, Bhagalpur.
4. The District Panchayat Raj Officer, Bhagalpur.
5. The Block Development Officer, Bihpur, District- Bhagalpur.
6. The District Provident Fund Officer, Bhagalpur.
7. The Accountant General Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. V. R. P. Singh, Advocate
For the State	:	Mr. Kumar Alok, S.C. 7
For the Accountant General	:	Mr. Raghwanand, 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 the following
reliefs:

“1. That this is an application for grant of an appropriate writ for a direction to the respondents to pay to the petitioner his retiral dues and other dues along with interest thereon.

2. That the question involved in the case is as to whether the petitioner superannuated from the post of Panchayat Sachiv, Bihpur Block in the district of Bhagalpur on 31/1/2015 and whether he is entitled for his post retiral dues and all other dues on the eve of his superannuation and whether the same have been withheld by the respondents without any justification.”



3. A counter affidavit has been filed on behalf of the State in which the stand is that departmental proceeding has been started against the petitioner for him not joining at the place of his posting and further there is allegation of defalcation of more than Rs. 1.25 crores. It has been stated that whatever was admissible and due to the petitioner has been paid and the rest shall have to wait till the departmental proceeding and the matter relating to defalcation is taken to its logical conclusion. On a query of the Court as to when the departmental proceeding shall be concluded, learned counsel for the State submitted that the same shall be done, if already not done, within four months.

4. Having regard to the aforesaid, the writ petition stands disposed off with a direction to the concerned respondents to conclude the departmental proceeding by passing final order within a period of four months. Depending on the result of the departmental proceeding, further payment, in accordance with law, as may be required, shall be made within two months thereafter.

(Ahsanuddin Amanullah, J.)

P. Kumar

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