

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.16307 of 2016**

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Dr. Md. Imamuel Haque S/o Late Md. Sazal Haque resident of Mohalla -  
New Azimabad Colony, P.O. Mahendru, P.S. Bahadurpur, District - Patna.

... .. Petitioner/s

Versus

- 1. The State of Bihar throug the Principal Secretary, Department of Health, New Secretariat Building, Patna.
- 2. The Principal Secretary, Department of Health, New Secretariat Building, Patna.
- 3. Joint Secretary, Department of Health, New Secretariat Building, Patna.
- 4. Deputy Development Commissioner, Patna.
- 5. Civil Surgeon-cum-Chief Medical Officer, Patna.
- 6. In-charge Medical Officer, Primary Health Centre, Punpun, District - Patna.
- 7. The Accountant General, Bihar, Birchand Patel Marg, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Mukesh Prasad Singh  
For the Respondent/s : Mr. AJAY BEHARI SINHA- GA8

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**



**ORAL JUDGMENT**

**Date : 19-08-2017**

Heard learned counsel appearing on behalf of the parties.

2. The present application has been filed by the petitioner seeking direction to the respondents to pay him following dues :

(i) Pension;

(ii) Gratuity;

(iii) Leave encashment;

(iv) House rent allowance and Transportation allowances @ 15% of basic pay from 24.09.2011 to 30.06.2015 (the date of superannuation) as has been allowed to other staffs of Primary Health Centre, Punpun, under Patna district, in terms of order passed by this Hon'ble High Court in CWJC No. 11373 of 2012 dated 09.07.2012 read with order dated 27.08.2012 (Annexure-2);

(v) Interest @ 18% per annum on the above dues with effect from the date when it fell due to the petitioner till the date of payment; and

(vi) Any other retiral dues for which the petitioner is entitled under law.

3. The petitioner retired as Medical Officer, with effect from 30.06.2015, while working at Primary Health Centre, Punpun, Patna.



4. A counter affidavit has been filed on behalf of the respondents-the State of Bihar. No dispute has been raised in the said counter affidavit over the entitlement of the petitioner to receive pension and other post-retiral dues including gratuity, leave encashment and pension etc. It has been stated in the counter affidavit that 90% of pension and gratuity have been sanctioned in favour of the petitioner and the payment of balance of 10% of his pension and gratuity amount has been kept in abeyance due to pendency audit/inspection report. The said decision to allow 90% of provisional pension was taken in August, 2016. The counter affidavit has been sworn in July, 2017.

5. In any view of the matter, the pendency of audit/inspection report cannot be a ground to withhold pensionary benefits, which the petitioner is entitled to. There is nothing on record to show that any proceeding has been initiated against the petitioner or any amount is due on him.

6. In such circumstance, I dispose of the writ application with a direction to the respondents, more particularly respondent Nos. 2 and 7, to ensure that the necessary sanction orders and authority slips for payment of full pension and gratuity are issued, in favour of the petitioner. As regards leave encashment, there is statement



in the said counter affidavit that the amount, equivalent to unutilized earned leave, has already been sanctioned.

7. The Principal Secretary, Department of Health, Govt. of Bihar, will consider the petitioner’s case of payment of house rent allowance and transportation allowance, as claimed by him in the writ application, in accordance with law.

8. The entire exercise must be completed within a period of two months from the date of receipt/production of a copy of this order.

9. This application stands disposed of accordingly.

**(Chakradhari Sharan Singh, J)**

Praveen-II/-

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