

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 16767 of 2015

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Rajeev Ranjan Mishra, Son of Late Jeev Narayan Mishra, resident of village + Post
- Mau, P.S. Tekari, District - Gaya, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Old Secretariat, Patna.
2. The Accountant General, Bihar, Patna.
3. The District Magistrate, Gaya.
4. The District Provident Fund Officer, Gaya.
5. The Block Development Officer, Konch, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dudheshwar Singh, Advocate
For the State	:	Mr. Kinkar Kumar, S.C. 9
		Mr. Yogesh Kumar, A.C. to S.C. 9
For the A.G.	:	Ms. Nivedita Nirvikar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 19-09-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court for the following

relief:

*“ That this is an application for issuance
of appropriate writ, order or direction
commanding the respondents for payment of the
retiral dues as G.P.F. amount, leave encashment
and gratuity and other admissible dues under law
to the petitioner with statutory interest thereon.”*

3. As per the stand taken in the counter affidavit, the
admitted retiral dues of the petitioner, to the extent of entire payment
of G.P.F., has been made, but with regard to Gratuity and Leave
Encashment, in view of there being an outstanding of Rs.
8,14,298.38/- against the petitioner, Rs. 1,70,231/- has been adjusted



from his Gratuity and Leave Encashment. It has further been stated in the counter affidavit that Rs. 6,44,067.38/- still remains outstanding, to be recovered from the petitioner from his Leave Encashment and Gratuity.

4. Learned counsel for the State submitted that the entire amount of G.P.F. has already been paid. On a query of the Court to learned State counsel as to what is the total admissible amount of Gratuity and Leave Encashment to which the petitioner is entitled, learned counsel submitted that such instructions are not available with him. The Court would only observe that even if it is accepted that certain amount is outstanding against the petitioner which has to be recovered from him, at least, the amount beyond that, if any, is required to be paid to the petitioner. In absence of any figure before the Court, either produced by the petitioner or the State, the Court is unable to go into that aspect. Further, the Court would not go into the aspect of deciding any factual issue.

5. Having considered the entire matter, the Court finds no necessity to keep the writ petition pending. As departmental proceeding has already been initiated against the petitioner, the same is required to be taken to its logical conclusion and thereafter consequences shall follow. However, in view of the fact that some amount is said to be still outstanding against the petitioner, let the



authorities calculate as to what is the amount which is required to be paid to the petitioner towards his Gratuity and Leave Encashment. The authorities shall thereafter deduct the amount, which according to them, is required to be paid by the petitioner and if it is found that the amount due to the petitioner is more than what is due from him, the remaining shall be paid to the petitioner. For the same, let the petitioner appear before the respondent no. 5, within four weeks from today, along with a copy of this order. The respondent no. 5 shall look into the matter and take steps in terms of the directions made hereinabove, within four weeks thereafter. If the petitioner desires to assist, he shall be allowed to do the same with regard to any outstanding amount shown against his late father.

6. The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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