IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3402 of 2017

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Moti Lal Singh son of Late Daiv Dayal Singh, resident of Lalji Tola, near - Devi Sthan, P.S.- Gandhi Maidan, Town and District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Planning and Development, Government of Bihar, Patna.
2. The Principal Secretary, Department of Planning and Development, Government of Bihar, Patna.
3. The Secretary, Department of Rural Works, Government of Bihar, Patna.
4. The Engineer-in-Chief, Rural Works Department, Patna.
5. The Chief Engineer, Rural Works Department, North Bihar, Patna.
6. The Superintending Engineer, Local Area Engineering Organization, Works Circle, Saharsa.
7. The Superintending Engineer, Rural Works Department, Works Circle, Saharsa.
8. The Executive Engineer, Rural Works Department, Simri Bakhtiyarpur, Saharsa.
9. The Assistant Engineer, Rural Works Division, Simri Bakhtiyarpur, Saharsa.
10. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani, Advocate
For the Respondent/s : Mr. Kumar Alok, SC-7
For the Accountant General : Mr. Chaitanya Swaroop, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 16-08-2017

The present writ application has been filed by the petitioner for payment of arrears of salary and post retiral dues.

2. It has been admitted by the learned counsel for the petitioner that, during the pendency of this application, the respondents have paid arrears of salary and provident fund amount to the petitioner. However, the grievance of the petitioner is that till date the sanction orders issued in respect of earned leave and pension have not been authorized by the office of the Accountant General, Bihar, Patna and payment under the aforesaid heads are still due.

3. Learned counsel for the Accountant General, Bihar, Patna referring to the counter affidavit filed on behalf of respondent no.10, has submitted that the department sent the sanction for pensionary benefits in favour of the petitioner to the office of the Accountant General, Bihar, Patna on 12.12.2017, but service history of the petitioner was not forwarded along with the sanction order. He has submitted that the authorization of the pensionary benefits in favour of the petitioner could not be made because of non-availability of the service book of the petitioner for which a request has been made to the Finance Department, Bihar by letter dated 31.07.2017.

4. Having been confronted with the arguments advanced by the learned counsel for the petitioner and the learned counsel for the Accountant General, Bihar, Patna, learned counsel for the State has submitted that the petitioner superannuated on 31.01.2016 as an Assistant Engineer in Rural Works Department, Works Division, Simri Bakhtiarpur, Saharsa. Since there was dues of Rs.65,539/- against him, sanction of retirement benefits in his favour could not be made earlier. He has submitted that since the aforesaid due amount has been paid by the petitioner to the department, the sanction orders have already been issued and communicated to the office of the

Accountant General, Bihar, Patna. He has submitted that if the service history of the petitioner has not been sent to the office of the Accountant General, Bihar, Patna, the State would certainly send the same without delay.

5. Having heard learned counsel for the parties, the writ application is disposed of with a direction to the respondents no.4 to 8 to ensure that the service history of the petitioner is sent to the office of the Accountant General, Bihar, Patna within four weeks from the date of receipt/production of a copy of the order. The Accountant General, Bihar, Patna is directed to complete the necessary formalities with regard to issuance of authority for payment of pending retiral dues of the petitioner within a period of three weeks from the date of receipt of service history of the petitioner. The State- respondents are further directed to ensure that payment of all the admissible retiral dues is made to the petitioner within six weeks from the date of receipt of order of authority from the office of the Accountant General, Bihar, Patna.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.08.2017
Transmission Date	