

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2705 of 2017

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Mithilesh Singh, Son of Ramgulum Singh, resident of Village- Mansara,
P.O.- Basdiha, P.S.- Navinagar, District- Aurangabad (Bihar)

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Old Secretariat, Patna.
2. The Principal Secretary, Finance Department, Bihar, Patna.
3. The Accountant General/(A.G.), Bihar, Patna.
4. District Magistrate, Aurangabad, District- Aurangabad.
5. District Panchayati Raj Officer, Aurangabad.
6. District Account Officer, Aurangabad.
7. Block Development Officer, Goh, District- Aurangabad.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Yogendra Kumar Singh, Advocate

For the Respondent/s : Mr. Kumar Samarjeet Singh, AC to SC-21

For Accountant General : Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 20-07-2017 Heard learned counsel for the petitioner, State and the
counsel appearing on behalf of the Accountant General.

The grievance of the petitioner is with regard to non-
payment of post-retiral dues.

The petitioner retired on 30.04.2015 from the post of
Panchayat Secretary, Goh Block in the district of Aurangabad.

It appears from the writ application that the petitioner
has represented before the District Magistrate, Aurangabad on
17.06.2015, 03.02.2016 and 11.02.2016, but on his representations
the District Magistrate did not take any response.

The pension is right and not bounty. The authorities



of the State are under obligation to ensure payment of post-retiral dues. The State Government time and again issued guidelines for expeditious disposal of post-retiral claim. Unfortunately, such guidelines are not adhered to and, as such, the High Court is flooded with the cases with regard to post retiral dues.

Unfortunately, in the instant case, thrice representations were addressed to the District Magistrate, who could have used his jurisdiction to redress the legitimate grievance of the petitioner with regard to post-retiral dues.

It appears that the representations addressed to District Magistrate have not been either brought to his notice or the representations of the petitioner were not considered important for disposal by the District Magistrate.

Since the petitioner has retired way back on 30.04.2015, more than two years back, and if he has not been paid his post-retiral dues, it is a serious matter. The District Magistrate is directed to address the grievance of the petitioner with regard to non-payment of post-retiral dues.

In the peculiar facts and circumstances, this writ application is disposed of with liberty to the petitioner to file representation before the District Magistrate along with a copy of the order of this Court within a period of 15 days and the District



Magistrate is expected to ensure payment of admitted post-retiral dues of the petitioner within a period of one month from the date of receipt / production of the representation. If any of the claims of the petitioner is disputed on fact or on law, the District Magistrate is required to decide such dispute by a reasoned and speaking order incorporating in the order refusing such claim within a further period of two months. The District Magistrate is also required to fix accountability for delay of two years in disposal of the representations and non-payment of post-retiral dues within the same time.

(Anil Kumar Upadhyay, J;)

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