

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4274 of 2016

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Yogesh Sharma Son of Late Brij Nandan Singh, resident of Mohallal Vishnu Vihar (near Jagjeewan College), Manpur, Police Staton- Muffasil, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Departmetn of Welfare, Govt. of Bihar, New Secetariat, Patna.
2. The Under Secretary, Department of Welfare (SC/ST) Govt. of Bihar, New Secretariat, Patna.
3. The Director, Department of Welfare, Govt. of Bihar, New Secretariat, Patna.
4. The Deputy Director, Welfare Magadh Division, Gaya.
5. The District Welfare Officer, Gaya.
6. The Treasury Officer, Gaya.
7. The District Provident Fund Officer, Gaya.
8. The Accountant General (O and A), Bihar, Vir Chand Patel Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Sinha

For the Respondent/s : Mr. Prabhat Kumar Singh- Sc12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5. 13-10-2017 Heard learned counsel for the petitioner and counsel appearing on behalf of the State.

From the counter affidavit it appears that only partial amount towards post retrial dues have been paid. From the counter affidavit it is admitted position that only partial payment of G.P.F. has been made and the rest of the G.P.F. amount would be paid only once authorization letter will be received in the District Welfare Office, Gaya. In paragraph 9 the respondents have admitted that for redressal of the grievances of salary, arrears of



salary, letter has been written to the District Welfare Officer, Sitamarhi and Darbhanga. So far as payment of arrears accrued to the petitioner on account of 6th Pay Revision is concerned, the respondents have stated in paragraph 10 it would be paid only after receipt of report of D.W.O., Sitamarhi. In paragraph 11 the respondents have further stated that the petitioner was posted in the office of D.W.O., Darbhanga. But in the last Pay Certificate details was not furnished by the D.W.O., Darbhanga. In paragraph 13 respondents have stated that the claim of petitioner with regard to ACP is under process and will be granted.

Considering the statements made in the counter affidavit, the writ application is disposed of with direction to the respondent no.3 to take immediate step for settlement of those post retiral dues of the petitioner. The claim of post retiral dues is not a bounty. It is right of the petitioner and the officers of the State have to change their attitude towards payment of post retiral dues. Somebody in the office of Welfare Department has to take responsibility for payment of post retiral dues of the petitioner. Accordingly, the Director, Department of Welfare, has to fix responsibility for expeditious disposal of claim with regard to the post retiral dues of the petitioner. The writ petitioner is granted liberty to file representation along with a copy of this order before



the Director, respondent no.3, within a period of one month from today and it shall be the responsibility of the Director, Welfare, Government of Bihar, to see that the post retiral dues of the petitioner are paid within a period of two months from the date of receipt of copy of such representation. In the event of delay in making payment of pensionary dues of the petitioner, the entire post retiral dues will carry interest at the rate of 9% from the date of retirement to the date of actual payment and the interest shall be payable from the pocket of erring officer(s).

With the aforesaid observation and liberty, this writ application stands disposed of.

(Anil Kumar Upadhyay, J)

AnilKrSinha/-

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