

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13016 of 2014

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Arun Kumar Singh son of Sri Gaya Prasad Singh, resident of village- Samartha,
P.S.- Bibhutipur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Housing Department, Govt. of Bihar, Patna.
2. Deputy Secretary, Housing Department, Govt. of Bihar, Patna.
3. Bihar State Housing Board through its the Managing Director, Sardar Patel Path, Patna.
4. Secretary, Bihar State Housing Board, Sardar Patel Path, Patna.
5. Executive Engineer, Bihar State Housing Board, Patna Division- II, Bhootnath Road, Patna.
6. Chief Account Officer, Bihar State Housing Board, Sardar Pate Path, Patna.
7. Regional Provident Fund Commissioner, R-Block, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiv Kumar, Advocate
For the State : Mr. Ajay Kumar, A.C. to G.P.-4
For the Housing Board : Mr. Anil Kumar Sinha, Advocate
: Mr. Abhimanyu Deo, Advocate
For EPFO (Respondent no.7) : Mr. Sarva Deo Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-02-2017

Heard Mr. Shiv Kumar, learned counsel for the petitioner
and Mr. Anil Kumar Sinha, learned counsel for the Bihar State
Housing Board, Patna.

2. The prayer of the petitioner in the present writ application
is for payment of retiral dues, such as pension, gratuity, leave
encashment, provident fund, group insurance and other legal dues.

3. It is submitted by Mr. Anil Kumar Sinha learned counsel
for the respondent Housing Board that all post retiral benefits of the



petitioner have already been calculated and paid to him except a sum of Rs.2,24,884/- (rupees two lakh, twenty four thousand eight hundred eighty four) which was recoverable from him in view of office order no.6301 dated 11.07.2012 passed by the Secretary, Bihar State Housing Board, Patna.

4. Let it be noted that the aforesaid order no.6301 dated 11.07.2012 passed by the Secretary, Bihar State Housing Board, Patna has been quashed by this Court today itself in CWJC No.15731 of 2012.

5. By the aforesaid order dated 11.07.2012 the Secretary, Bihar State Housing Board, Patna had ordered for recovery of the amount paid to the petitioner in lieu of difference of salary from 19.09.1990 to 08.05.2002 from the salary and thereafter from post retiral dues of the petitioner in installment.

6. For the detailed reasons recorded in my order passed in CWJC No.15731 of 2012 today itself, the writ application is allowed. The respondents are directed to pay the amount withheld by them to the petitioner forthwith. I further direct the respondents that if they have calculated the retiral benefits of the petitioner treating him to be in work charge establishment with effect from 08.05.2002, the same shall be revised and the calculation should be made afresh treating him to be in work charge establishment with effect from 19.09.1990



and the difference of retiral benefits on that account shall be paid to the petitioner without any delay, preferably within a period of three months from today.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.2.2017
Transmission Date	

