

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9852 of 2015

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Himanshu Bhushan Upadhyay, Son of Shri Diwakar Upadhyay, Resident of
Mithilanchal Colony, Hasanpura, P.S.- Beur, District- Patna.

.... Petitioner/s

Versus

1. The Bihar Sanskrit Siksha Board, through its Secretary, Bihar, Patna.
2. The Chairman, Bihar Sanskrit Siksha Board, Patna, Bihar.
3. The Secretary, Bihar Sanskrit Siksha Board, Patna, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Anukriti Jaipuriyar, Advocate
For the Board : Mr. Satyam Shivam Sundaram, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 23-05-2017

Heard learned counsel for the parties.

2. Pursuant to order passed yesterday, a counter
affidavit has been filed on behalf of the respondents.

3. The petitioner, who is a retired employee of the
Bihar Sanskrit Shiksha Board, has moved the Court for payment of
his retiral dues.

4. At the very outset, learned counsel for the
respondents, who have filed counter affidavit, submitted that two
cheques for Rs. 10,79,811/- and 3,20,664/- are ready and he has it
with him today but he has also informed the Court that the petitioner
has not handed over charge upon his superannuation.

5. The Court asked learned counsel appearing for the



petitioner as to whether the petitioner, had come to Court and pursuant thereto, the petitioner has also appeared. On a query to him, he replied that he had made attempt to hand over charge but he was not facilitated in the same and thus, could not do so. From the above, it is clear that the petitioner has not given charge. Whatever be the reason, the Court cannot give premium to such conduct which indicates indiscipline and defiance. The Court will also not show sympathy to the person, who despite being aware that he had to hand over charge of the office held by him, after superannuation, is giving such specious plea that he was not assisted in doing so.

6. At this juncture, learned counsel for the respondents intervened and submitted that they shall provide him with all assistance as well as manpower to facilitate him in handing over the charge of the office demitted by him. The petitioner agrees to such proposal.

7. In view thereof, the writ petition stands disposed off with a direction to the petitioner to appear before the respondent no. 3, within one week from today, along with a copy of this order. Upon doing so, the respondent no. 3 shall ensure that all assistance is given to the petitioner for handing over charge on mutually convenient dates.

8. However, as a matter of interim relief, learned



counsel for the respondents shall hand over cheque of Rs. 3,20,664/- to the petitioner. The remaining cheque of Rs. 10,79,811/- shall be handed over to him upon completion of the formalities.

9. Learned counsel for the respondents has clarified the position that the amount of Rs. 3,29,627/- is on account of the dues relating to 5th Pay Revision and after deducting the mandatory Income Tax, the amount of Rs. 3,20,664/- is being paid to the petitioner through cheque. The Court would add a note of caution for the respondents. They shall not insist on any unreasonable procedure for the petitioner and shall go by the procedure which has been followed in the past in such matters. They shall also ensure that no unnecessary harassment is caused to the petitioner and he is not put to any inconvenience which may not be warranted.

(Ahsanuddin Amanullah, J.)

P. Kumar

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