

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 264 of 2016

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Mr. Sudhakar Prasad Singh, S/o Late Sona Lal Singh, Village- Deora, P.O. Patsha,
P.S. Hasanpur, District-Samastipur, At Present residing at Saharsa C/o Mr. Khagesh
Prasad Singh, Near UTI Office, Purab Bazar, Kayashtha Tola, Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The Additional Secretary, Department of Finance Government of Bihar, Patna.
3. The Principal Secretary, Minor Water Resource Department, Government of Bihar, Patna.
4. The Deputy Secretary, Minor Water Resource Department, Government of Bihar, Patna.
5. The Chief Engineer, Minor Water Resource Department, Bhagalpur.
6. The Officer on Special Duty, Minor Water Resource Department, Patna.
7. The Superintending Engineer, Minor Irrigation Department, Saharsa Circle, Saharsa.
8. The Executive Engineer, Minor Irrigation Division, Saharsa.
9. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha and Mr. Avanindra Kumar Jha, Advocates
For the State	:	Mr. Shanker Kumar Thakur, A.C. to G.P. 27
For the A.G.	:	Mr. Manish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 21-09-2017

Heard learned counsel for the petitioner, State and the
Accountant General.

2. Though the petitioner has moved the Court for the
following reliefs:

*“(i) Issuance of an appropriate order,
directions or a writ in the nature of mandamus
commanding the respondent authorities concerned
to make the payment of petitioner’s entire unpaid
post Retirement benefits that too after it’s proper
calculation and upon supplying the details of such
calculation to the petitioner in advance.*

(ii) To hold and declare that the action of



the respondent concerned on the one hand in not absorbing the services of the petitioner in the regular establishment of the department, and on the other hand there action in regularizing of the services of the similarly situated persons even junior to the petitioner namely (Shri Shailesh Jha and Shri Tripurendra Narayan Singh) of the same establishment, in highly discriminatory tent amounting to the violation of Article 14 and 16 of the Constitution of India.”

but during the pendency of the writ petition and in view of the stand taken in the counter affidavit, it appears that pension and gratuity has been sanctioned to the petitioner under authorization issued by the Accountant General dated 24.07.2017 and the pension has been fixed with effect from 01.12.2013.

3. In view thereof, the grievance of the petitioner stands redressed.

4. However, learned counsel for the petitioner submitted that if actual payment has not been made, including up-to-date arrears, he may be permitted to represent before the respondent no. 8.

5. Learned counsel for the State does not object.

6. In view thereof, the writ petition stands disposed off with liberty aforesaid.

7. If a representation is filed before the respondent no. 8, for any remaining grievance, within six weeks from today, the same shall be considered and disposed off by a reasoned order within one



month from the date of such filing. If any further dues is found payable to the petitioner, the same shall be paid to him within the next four weeks. The admissibility of payment of interest on delayed payment, shall also be considered in terms of the relevant statutory provisions.

(Ahsanuddin Amanullah, J.)

P. Kumar

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