IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3370 of 2016

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BACCHU RAVIDAS, Son of Late Amrit Ravidas resident of Village- Bailo, P.S.- Wazirganj, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. District Magistrate, Jehanabad.
3. Block Development Officer, Hulasganj, Jehanabad.
4. Block Development Officer, Kako, Jehanabad.
5. Junior Engineer, Block Development Officer, Office, Kako, Jehanabad.
6. Treasury Officer, Jehanabad.
7. Director, Provident fund, Bihar, Ptana.
8. District Provident Fund Officer, Jehanabad.
9. Accountant General, A & E, Bihar, Veerchand Patel Path, Patna.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Ram Hriday Prasad
For the State : Mr. Vivek Prasad- Gp18

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

6 06-10-2017 Heard learned counsel for the petitioner, State and the counsel appearing on behalf of the Accountant General.

Petitioner superannuated on 31.07.2012. Even after five years his post-retiral dues has not been settled.

During the pendency of the writ application, the Commissioner, Magadh Division in Administrative Case No. 20 of 2009 has exonerated the petitioner and others from the liability of financial irregularity in connection with execution of District 20 point programme.

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Mr. Ram Hriday Prasad, counsel for the petitioner submits that except GPF amount rest amount in the nature of pension, gratuity, leave encashment and other dues have not been paid as yet.

Earlier respondents were not inclined to make payment of post-retiral dues on the pretext of liability of the petitioner in connection with the execution of 20 point programme but after the order passed by the Commissioner in Administrative Case No. 20 of 2009 dated 11.05.2017, there is absolutely no legal impediment in payment of post-retiral dues of the petitioner. He submits that petitioner is entitled to the post-retiral dues as a matter of right and respondents cannot withheld payment on the ground of irregularity in connection with 20 point programme after the order of the Commissioner dated 11.05.2017.

In view of the above, the writ petition is disposed of with a direction to the District Magistrate, Jehanabad (respondent no.2) to see that all post-retiral dues of the petitioner is being paid in view of the order passed by the Commissioner dated 11.05.2017 in Administrative Case No. 20 of 2009. All the monetary benefits to which the petitioner is entitled as a retired employee must reach to the petitioner within a period of three months from the date of receipt of a copy of the order.

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The respondent no.2, the District Magistrate, Jehanabad is required to ensure payment of post-retiral dues within the aforesaid period and in case, the admitted dues are not paid to the petitioner within the aforesaid period, he shall fix accountability on the erring Officers and in the event of delayed payment, the petitioner would be entitled for payment of interest at the rate of 9 per cent per annum from the date of retirement till the date of actual payment. The interest shall be paid by the erring Officers from their own pockets.

(Anil Kumar Upadhyay, J)

Ravi/-

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