

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1770 of 2016

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Mahendra Singh, Son of - Late Brajnandan Singh, Resident of Village-
Rampur, P.S.- Karpi, District- Arwal.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department of Government of Bihar, Patna.
2. The Director, Secondary Education Department, Government of Bihar, Patna.
3. The Deputy Secretary, Secondary Education Department, Government of Bihar, Patna.
4. The District Education Officer, Arwal.
5. The Headmaster, Government High School, Karpi, Arwal.
6. The Accountant General (A & E), Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal
For the Respondent/s : Mr. K.B. Singh- Sc22

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-08-2017 Heard Mr. Pritish Kumar Lal, learned counsel for the petitioner and Mr. Kumar Priya Ranjan, learned counsel for respondent no. 6, the Accountant General, Bihar. However, none appears on behalf of respondent nos. 1 to 5.

The present writ application has been filed for a direction to the respondent authorities to make payment of pension and other pensionary benefits like gratuity, provident fund, leave encashment along with interest calculated from the date of superannuation of the petitioner till the actual date of payment.

It submitted by learned counsel for the petitioner



that the petitioner was appointed as Assistant Teacher in a Government School, Punit High School, Bhaiya Bigha, Upthu in the District of Gaya on 17.03.1978. The petitioner superannuated as a Headmaster from the Government High School, Karpi in the District of Arwal, on 31.01.2015. After retirement, the petitioner submitted his application for payment of retiral benefits but the same has not been paid till date.

It is submitted by learned counsel for respondent no.6 that in view of the sanction by the Department, leave encashment has been authorised by letter dated 10.06.2016, as contained in Annexure AG/G to the supplementary counter affidavit. In view of the purport of the sanction regarding pension and gratuity, the authority for 90% of pension and gratuity has been issued vide authority dated 25.05.2016, as contained in Annexure-AG/I to the supplementary counter affidavit, and 10% of pension and gratuity will be issued after proper sanction in the matter.

Learned counsel for the petitioner prays for disposal of the writ application for payment of remaining 10% of pension and gratuity, within a given time frame.

In the circumstances, respondent authorities particularly, respondent no.4, the District Education Officer,



Arwal is directed to decide the issue with regard to payment of remaining 10 % of pension and gratuity within a period of two months and within four weeks thereafter, it is expected from respondent no.6, the Accountant General, Bihar, Patna to issue the authority.

The petitioner will be at liberty to challenge the said order passed by the respondent authorities with regard to payment of 10% of pension and gratuity, in case he is aggrieved by the same.

Accordingly, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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