IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12899 of 2016

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Raj Rajeshwar Prasad Sinha, S/o Late Laxmi Narayan Prasad Sinha, Resident of Village- Rukunpur, P.O.- Rukunpur, P.S Fatuha, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department (HRD) Government of Bihar, Patna.
2. The District Superintendent of Education, Patna.
3. The Block Education Officer, Punpun Block, Patna.
4. The In-charge Panchayat Teacher, created Primary School, Akma Punpun Block, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan Sinha, Advocate
For the State	:	Mr. Kaushal Kumar Jha, A.A.G. 8

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 19-08-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved before the Court for the following reliefs:

> *"(i) For directing the respondents State (respondent no. 4) to grant no dues certificate to the petitioner who superannuated on 31.10.2015 and for payment of the retiral benefits such as G.P.F., Arrear of Pension which was not paid to the petitioner even after eighteen months from the date of superannuation.*
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> *(ii) For grant such other relief(s) for which the petitioner is found to be entitled in the facts and circumstances of the case."*

3. As per the averments made on behalf of the respondent no. 3, it appears that GPF amount has been paid and No Dues Certificate has been sent to the Treasury Officer concerned.

With regard to the payment of arrears of four months salary, it has been stated that the amount of three months is required to be paid to the Income Tax Department by the petitioner and for the month of April, 2013, due to non submission of absentee report, the matter is held up.

4. Learned counsel for the State submitted that it would be verified as to whether the payment to the Income Tax has to be made by the Department/Authority or by the petitioner himself. It was submitted that if it has to be paid by the petitioner, the amount shall be released to him and in the alternative, if it is required to be paid by the Department/Authority, the same shall be transmitted directly to the Income Tax Department. Further, it has been submitted that the petitioner was In-charge Headmaster at the relevant time and thus for the month of April, 2013, he was required to furnish absentee report, which has not been done. Learned counsel for the petitioner disputes the fact and states that in the year 2010-2011 itself, another person was made In-charge Headmaster and thus it was his duty to sent the absentee report.

5. Be that as it may, in view of the grievance of the petitioner and the stand taken that the remaining dues have been paid, the writ petition stands disposed off with a direction to the respondent no. 2, to ensure that the arrears of salary is paid to the petitioner, in

accordance with law, after verifying his service book and further with regard to three months salary, which is required to be paid to the Income Tax Department, if it is to be paid by the petitioner, the amount shall be released to him or if it is required to be paid by the Authority or Department directly to the Income Tax, the same shall be done and receipt given to the petitioner showing such payment to the Income Tax Department. The exercise be competed within one month from the date of production of a copy of this order before the respondent no. 2.

6. It goes without saying that in case, the petitioner still feels aggrieved by the decision taken by the respondent no. 2, he shall be at liberty to move before the appropriate forum, in accordance with law.

(Ahsanuddin Amanullah, J.)

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