

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2604 of 2017

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Gajendra Narayan Kanth, son of Late Dhanushdahari Kanth, resident of
Village- Tenua, Police Station - Jamalpur, District - Darbhanga.

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Madhubani.
2. The District Magistrate, Madhubani.
3. The District Program Officer, Madhubani.
4. The Child Development Program Officer, Jaynagar, Madhubani.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Karna, Advocate

For the Respondent/s : Mr. Rajesh Kumar, AC to GP-3

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 20-07-2017

Heard learned counsel for the petitioner and the State.

Considering the fact that the petitioner retired on
31.03.2015 and after retirement, the petitioner was paid G.P.F.
amount, G.I.S. amount and unutilized leave amount in July, 2016.

The grievance of the petitioner remains with regard
to gratuity, pension and arrears of salary.

Since the petitioner superannuated on 31.03.2015 and
till date, as claimed by the petitioner, pension, gratuity and arrears
of salary has not been paid.

The writ application is disposed of with a direction to
the petitioner to file a detailed representation enclosing the
specific claim with regard to non-payment of post-retiral dues or
arrears of salary, if any, before the respondent no.2 (District



Magistrate, Madhubani). If such representation is filed by the petitioner along with a copy of this order, the respondent no.2 shall dispose of the same by a speaking order and, in case, the petitioner is entitled for payment of any arrears of salary, the respondent no.2 shall pass positive order for payment.

The claim with regard to pension and gratuity is the statutory right of the petitioner and as such the District Magistrate, Madhubani is directed to decide the claim of the petitioner expeditiously with regard to payment of pension and gratuity, if any, within a period of three months from the date of filing of representation and at the same time, the District Magistrate is required to fix the accountability for delay in finalizing the claim of the petitioner, as the petitioner has superannuated on 31.03.2015.

With the aforesaid observation, this application stands disposed of.

(Anil Kumar Upadhyay, J.)

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