

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12311 of 2015

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Pathalu Sah, son of Late Mushahar Sah, Resident of village and P.O. Morsandi, P.S. Motipur, District- Muzaffarpur, the retired Clerk, Ramchandra High School, Birpur, Kanti, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
3. The District Education Officer, Muzaffarpur, District- Muzaffarpur.
4. The District Program (Establishment), Muzaffarpur, District- Muzaffarpur.
5. The Headmaster, Ramchandra High School, Birpur, Kanti, District- Muzaffarpur.
6. The Accountant General, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Adv.

For the Respondent/s : Mr. AC to AAG-11

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 24-07-2017 Heard Sri Pankaj Kumar Sinha, learned counsel for the petitioner, learned AC to Addl. Advocate General no.11 as well as learned counsel for the respondent/ Accountant General, Bihar, Patna.

The petitioner, who superannuated with effect from 31.01.2001 as clerk in the Human Resources Department, has approached this Court with a prayer to direct respondents to pay all his retiral dues.

It was submitted by learned counsel for the



petitioner that the petitioner was earlier taken into custody and he was put on trial in G.R. No. 1196/99, Tr.No.295/06 for the offence under Sections 498A, 406/34 of the Indian Penal Code and Sections 3 /4 of the Dowry Prohibition Act as well as in Sessions Trial No.710 of 2008, in which he was tried for the offence under Section 304(B)/34 of the Indian Penal Code being father-in-law of the deceased. He submits that in both cases, the petitioner has already been acquitted and, thereafter, filed representation for granting retiral dues and other dues vide Annexure-3 to the writ petition. However, till date neither on his representation, decision has been taken nor he has been paid admitted dues.

Considering the submission of learned counsel for the petitioner that the petitioner has already been acquitted in both criminal cases, which was not related to discharge of his official duty, the Court proposes to dispose of the present writ petition granting liberty to the petitioner to file a fresh representation before respondent authorities giving detail of his claim. If such representation is filed within six weeks from today, respondent authorities are directed to examine the same and take final decision on the claim of the petitioner within a period of two months after filing of such representation.

It goes without saying that during the said period,



the petitioner must be paid all admitted dues without any dispute.

If such representation is filed within time, the Court expects that within period of two months from the date of filing of such representation, the respondent authorities must take final decision and pay all the admitted dues. Even in case of refusal, respondents are directed to pass a reasoned order and communicate to the petitioner without any delay.

With above observation and direction, the writ petition stands disposed of.

(Rakesh Kumar, J)

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