

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12211 of 2015

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Ram Swarath Sah S/o Sri Parash Nath Sah, Resident of village- Dasharia
P.S.- Mohadi Nagar, District- Samastipur

.... Petitioner

Versus

1. The State of Bihar through, the Secretary, Rural Works Department, Government of Bihar
2. The Secretary, Rural Works Department, Govt. of Bihar
3. The Secretary, Water Resources Department, Govt. of Bihar
4. The Engineer in Chief (Middle) Water Resources Department, Govt. of Bihar
5. The Engineer-in-Chief, Rural Works Department, Govt. of Bihar
6. The Superintending Engineer, Rural Works Department, Govt. of Bihar
7. The Executive Engineer, Rural Works Department, Works Circle, Gaya
8. The Executive Engineer, Works Division- Darbhanga- I, Darbhanga
9. The Special Works Officer Rural Work Department Govt. of Bihar
10. The Chief Engineer-4, Head Quarter Rural Works Department, Bihar, Patna
11. The Deputy Secretary, Rural Works Department, Govt. of Bihar
12. The Under Secretary, Rural Works Department, Govt. of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bamdeo Pandey, Adv.
Mr. Jitendra Pandey, Adv.

For the Respondent/s : Mr. AC to GP-27

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 24-07-2017 Heard Sri Bamdeo Pandey, learned counsel,

assisted by Sri Jitendra Pandey, learned counsel for the petitioner

and learned AC to Govt. Pleader no.27.

The petitioner, who superannuated with effect from
31.01.2015 as Junior Engineer from Works Circle, Gaya, Rural
Works Department, after not getting his retiral dues, was
compelled to invoke writ jurisdiction of this Court and this writ



petition was filed in the year 2015 itself.

At the very outset, Sri Pandey, learned counsel for the petitioner submits that in the present writ petition, besides claiming retiral dues, the petitioner has also made a prayer for quashing of Annexure-3 issued under the signature of the Special Works Officer, Rural Works Department dated 09.06.2013, whereby the petitioner was put under suspension , Annexure-4 to the writ petition i.e. order of punishment passed by the Joint Secretary, Rural Works Department dated 21.01.2015, whereby in the departmental proceeding , the petitioner was held guilty and censure was directed to be recorded in the A.C.R. and Annexure-7 i.e. the order of the appellate authority, whereby an appeal preferred by the petitioner against the punishment order, was rejected. He submits that he is confining the present writ petition to the extent 1st portion of relief as mentioned in the prayer portion of the writ petition. So far as second relief i.e. quashing or orders are concerned, he submits that the petitioner may file a separate writ petition.

The prayer is allowed.

Learned counsel for the petitioner is permitted to delete the second part of the relief in course of the day.

The petitioner has mainly prayed for directing the



respondents to pay pension, gratuity, entire G.P.F. amount, amount of group insurance, amount of earned leave etc. So far claim of salary from June, 2013 to January, 2015 is concerned, Sri Pandey, learned counsel for the petitioner submits that same relief shall be prayed in separate writ petition, while assailing the order of punishment.

In this case, two separate counter affidavits; one on behalf of respondent nos.3 and 4 and another on behalf of respondent nos.2,5,6 and 7, have been filed. Learned counsel for the petitioner has drawn my attention to the statement made in paragraph 6 of the counter affidavit of respondent nos.3 and 4, which states that cadre division of Junior Engineers has already been done between the Water Resources Department and the Rural Works Department. Since the petitioner was retired from Rural Works Department, Govt. of Bihar, hence all the claims/grievances is connected with the Rural Works Department, Govt. of Bihar, whereas Rural Works Department in its counter affidavit filed on behalf of respondent nos.2,5,6 and 7, in paragraph-13, has stated that necessary communications have been made by the Rural Works Department to the Water Resources Department for providing benefits of ACP to the petitioner as the same has to be provided necessary decision regarding ACP to the



Water Resources Department. Fact remains that it has not been disputed that the petitioner has not been paid his entire admitted retiral dues, save and except some meager amount under the head of G.P.F. i.e. Rs.6,88, 586/- and Rs.1,88,646/-under the head of G.I.C.. It is also an admitted fact that in the departmental proceeding, the petitioner was only imposed punishment of censure. Meaning thereby that the petitioner is entitled to get all the admitted retiral dues.

Accordingly, without going into detail in the matter, the writ petition stands disposed of with direction to respondents to pay all the admitted retiral dues to the petitioner within a period of three months from the date of receipt/production of a copy of this order. If the order is not complied with by the respondents within time, contempt proceeding shall be initiated against the concerned respondents. At that very time, this Court will not entertain any submission made by any of the Department that the petitioner was entitled to get retiral dues from which department. The Court expects that the Chief Secretary will ensure compliance of the order without any delay.

Let a copy of this order be sent to the Chief Secretary, Govt. of Bihar.

NKS/-

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(Rakesh Kumar, J)