

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9937 of 2017

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Jai Dayal son of Ram Nihore Prasad, resident of village- Haraji, Post Office- Haraji, Police Station- Avtarnagar, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director of Secondary Education, Government of Bihar, Secretariat Buildings, Patna- 800001.
3. The Regional Deputy Director of Education, Saran Division, Chapra.
4. The District Education Officer, Saran Division, Chapra.
5. The District Programme Officer, Saran, Chapra.
6. The Headmaster, Ishwari High School, Village and Post Office- Basant, Police Station- Garkha, District- Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Najmul Hoda, Advocate

For the Respondent/s : Mr. Prabhakar Jha-G.P.-27

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 31-07-2017

Learned counsel for the petitioner is permitted to make necessary correction in paragraph-1 of the writ application in the course of the day.

2. This writ application has been filed by the petitioner for issuance of direction to the respondents to pay his retiral dues including amount of gratuity, pension and leave encashment.

3. It is contended by the learned counsel for the petitioner



that the petitioner superannuated with effect from 01.12.2016 from the post of Assistant Teacher, Ishwari High School, Basant, Garkha in the district of Saran. Though the petitioner has been paid amount of provident fund and group insurance, neither pension nor gratuity nor leave encashment has been paid till date.

4. Learned counsel for the State has submitted that the petitioner has recently retired and if he files a representation before the sanctioning authority, the grievance of the petitioner shall be redressed.

5. Having regard to the nature of claim instead of calling for counter affidavit, the writ application is disposed of directing the petitioner to file a detailed representation before the District Programme Officer, Saran, Chapra (respondent no.5) within a period of four weeks raising all his claims along with a certified copy of the order passed in the writ petition.

6. In case of filing of such representation, the District Programme Officer, Saran, Chapra shall be required to examine and dispose of the same by a reasoned and speaking order within a period of three months. In case the claims of the petitioner are found admissible, the payment shall also be made within the three months period stipulated hereinabove. In case of rejection of any claim of the petitioner, the order shall be communicated to the petitioner on his



postal address without delay.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
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