

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15353 of 2016

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Md. Aslam, Son of Aziguar Rahman, resident of Mohalla- Purani Bazar,
Police Station- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Agriculture Production Commissioner, Govt. of Bihar, Old Secretariat, Patna.
2. The Agriculture Production Commissioner, Govt. of Bihar, Old Secretariat, Patna.
3. The Director, Department of Agriculture, Govt. of Bihar, Old Secretariat, Patna.
4. The Director, Soil Conservation, Govt. of Bihar, Old Secretariat, Patna.
5. The Joint Director, Soil Conservation, Govt. of Bihar, Old Secretariat, Patna.
6. The Joint Director, Agriculture, Koshi Division, Saharsa.
7. The District Magistrate, Saharsa.
8. The Director, Provident Fund, Govt. of Bihar, Old Secretariat, Patna.
9. The District Provident Fund Officer, Saharsa.
10. The Block Development Officer, Simri Bakhtiyarpur, Saharsa.
11. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Adv.
For the State : Mr. J.P. Sharma, AC to GP-21
For the A.G. : Mr. L.P. K. Rajgriha, SC

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

Date : 19-08-2017

The petitioner is said to have retired as Block Agriculture Officer, Simri-Bakhtiyarpur, Saharsa, on 31.08.2012. He has filed the present writ application seeking direction to the respondents to pay to him his post-retiral dues including full and final Pension, final Gratuity, Leave Encashment, General Provident Fund amount, Group Insurance amount and commuted value of Pension.

2. Counter affidavits have been filed on behalf of the District Provident Fund Officer, Saharsa and the Accountant General, Bihar.

3. From the counter affidavit filed on behalf of the District Provident Fund Officer, Saharsa, it appears that the petitioner's final withdrawal application has been forwarded to the Block Development Officer, Simri-Bakhtiyarpur, on 19.08.2015, whereby, a sum of Rs. 3,26,775/- up-to March, 2004 and GPF deposit & advance statements from 2004-05 to June, 2012, for a



sum of Rs. 7,29,021/- has been authorized after calculating applicable interest. Authority letter also appears to have been issued.

4. Learned counsel for the petitioner has submitted that despite authorization for payment of General Provident Fund amount, the same has not been paid.

5. Accordingly, as regards General Provident Fund amount, it is directed that the amount, which has been authorized by the District Programme Officer, Saharsa, must be paid by the concerned Officer/Authority within a period of three weeks from the date of receipt/production of a copy of this order.

6. Learned counsel for the petitioner has submitted that only the provisional Gratuity of a sum of Rs. 10,00,000/- has been paid to the petitioner and till date, final Gratuity has not been paid. The Pension of the petitioner has so far not been fixed. There is nothing on record to show that any departmental proceeding or any proceeding, under Rule 43(b) of the Bihar Pension Rules, is pending against the petitioner. He has submitted that a criminal case has been registered in which the petitioner is named, but the pendency of the said criminal case may not come in way of payment of post-retiral dues, since the Department concerned has



not taken any decision to initiate any proceeding under Rule 43(b) of the Bihar Pension Rules.

7. I find substance in the submission so advanced on behalf of the petitioner. There is no reason why the petitioner should not be paid pensionary benefits, if till date no disciplinary action has been initiated against him, for any reason whatsoever.

8. I, accordingly, direct the Agriculture Production Commissioner, Govt. of Bihar, Patna, to take a final decision on the question of sanctioning final Pension and Gratuity of the petitioner within a period of two months from the date of receipt/production of a copy of this order. If the sanction for payment of final Pension and Gratuity is granted and duly communicated to the office of the Accountant General, Bihar, it shall be the responsibility of the office of the Accountant General to ensure that the authority slip is issued within a period of four weeks thereafter.

9. It is indicated that if the petitioner has any grievance in calculation of any amount against any of the Heads of his post-retiral dues, he shall be at liberty to raise the same before the competent authority. If he does so, within a period of four weeks from the date of payment of dues against respective Heads, the same shall be considered and disposed of within a period of four



weeks thereafter. If any amount is found due on consideration of representation of the petitioner, the respondents shall be obliged to pay to him the said amount within a period of four weeks thereafter.

10. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.08.2017
Transmission Date	N/A

