

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18573 of 2015

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Shivajee Prasad Singh, Son of Late Ishwar Singh, Resident of Village &
P.O.- Alipur, Police Station- Salimpur (Bakhtiyarpur), District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Bhojpur at Arrah.
4. The Deputy Superintendent of Police, Bhojpur at Arrah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prafull Chandra Jha

For the Respondent/s : Mr. Arvind Ujjwal- Sc25

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

6 04-10-2017 Counsel for the petitioner is permitted to add the

Principal Secretary, Home (Police), Government of Bihar, Patna

as party respondent.

Heard learned counsel for the petitioner and the State.

Petitioner superannuated on 31st of August 2011 and

we are in 2017. This writ application was filed in the year 2015

after serving two copies of the writ application to the State. But

unfortunately, despite indulgence granted by this court on

17.9.2016 no counter affidavit has been filed by the respondents.

We live in the welfare State and there are several

circulars and guideline for expeditious disposal of post-retiral dues

but State Officers are totally indifferent towards addressing the



claim of post-retiral dues of the retired employee. Six years time is enough for payment of post-retiral dues of this petitioner. Issuance of guideline for expeditious disposal of post-retiral dues is only glorifying the books containing such guidelines. It is high time, the respondent must introspect why post-retiral dues are not paid to the retired employee. The Apex Court has time and again reiterated that pension is not a bounty but it is a right of retired employee. This matter is pending for the last more than two years and even counter affidavit has not been filed is indicative of the attitude of the respondents-State towards pensionary claim of its retired employee. There is need to change the attitude.

Instead of keeping the matter pending, I propose to dispose of the writ petition with direction to the Principal Secretary, Home (Police) Govt. of Bihar to take immediate steps for payment of post-retiral dues in the nature of GPF, Earned Leave and other post-retiral dues admissible to the petitioner and see that it is paid at the earliest, preferably within a period of two months from the date of filing a representation alongwith a copy of this order.

Since petitioner has retired on 31.08.2011 the respondent, Principal Secretary is expected to fix accountability of erring Officers in the matter of delay in finalization of the post-



retiral dues.

If the admissible post-retiral dues are not paid to the petitioner within a period of two months from the date of filing of the representation, the entire post-retiral dues will carry 9 per cent interest from the date of retirement to the date of actual payment and such payment of interest shall be borne by the officer responsible for delay in payment from their own pockets.

With the aforesaid observation, the application stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

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