

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12691 of 2016

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Chandra Vijay Kumar son of Ram Priya Sarsa Singh , Block Welfare Officer,
Ghanshyampur, District- Darbhanga Presently residing at Rajendra Nagar, Road
No. 1, House No. 4, Patna

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Patna
2. The Principal Secretary, Personnel and Administrative Reforms, Department
Government of State of Bihar, Patna
3. The Director, Social Welfare Department, Main Secretariat, Government of
Bihar
4. The Secretary, SC & ST Welfare Department, Govt. of Bihar, Patna
5. The Director, SC & ST Welfare Department, Block A, Officer's Hostel, Bailey
Road, Govt. of Bihar, Patna
6. The Deputy Development Commissioner, Darbhanga
7. The District Welfare Officer, Department, Darbhanga
8. The Additional Collector, (Establishment) District Darbhanga
9. The Block Development Officer, Singhwara, District-Darbhangha

.... Respondent/s

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Appearance :

For the Petitioner/s : Md. Fazle Karim, Adv.
Mr. Deepak Kumar Singh, Adv.
For the Respondent/s : Mr. Madanjit Singh, GP20

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-03-2018

Heard Mr. Fazle Karim, learned counsel for the petitioner
and Mr. Madanjit Singh, learned GP-20, for the State.

The petitioner prays for voluntary retirement and since his
application has not been acted upon that he is before this Court.

A rather peculiar set of circumstances accompanies the
present case. The petitioner was appointed as Block Welfare Officer
on which post he joined on 28.10.1989 as confirmed from the service
book, a copy of which is enclosed at Annexure 1 to the writ petition.



The petitioner served in the district of Vaishali within Raghapur Block until 1996, whereafter he was transferred to Dhanbad in the then undivided State of Bihar. The petitioner was subsequently transferred to the block Ghanshiyampur in the district of Darbhanga on 19.1.2001 but owing to spinal problem that the petitioner requested for his posting in and around Patna. The different paragraphs of the writ petition would confirm that the petitioner has been 'in' and 'out' of duty and thus, has been paid salary accordingly, the details of which are present in paragraphs 7 and 8 of the counter affidavit. The respondents admit that no details of postings are available with them for the period 2006 to 12.3.2015 which is mentioned as the date sanctioning voluntary retirement. The pleadings reveal that no such details are found in the service book.

Although the respondents do admit that the petitioner has discharged his duty until 2006 but thereafter there are no records available with the respondents nor the petitioner is able to furnish any details.

In the circumstances noted and since the respondents themselves have mentioned in paragraph 9 of the counter affidavit that the voluntary retirement has been sanctioned to the petitioner on 12.3.2015, let respondent no.4, who as informed by Mr. Madanjit Singh, learned GP-20, would be the competent authority, consider the



grievance of the petitioner as regarding issuance of a formal order of voluntary retirement as also payment of admissible dues to the petitioner and dispose of the same in accordance with law within three months from the date of receipt/ production of a copy of this order by a speaking order and after opportunity of hearing to the petitioner.

With the aforementioned observation and direction, the writ petition is disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.03.2018
Transmission Date	NA

