

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10486 of 2015

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Ajit Kumar Jaiswal, Son of Late Sita Ram Chaudhary, Resident of Thana Road,
Sultanganj, P.O.& P.S. Sultanganj, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department Government of Bihar, Patna.
2. The Joint Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Education Department, Government of Bihar, Budha Marg, Patna.
4. The Regional Deputy Director Education, Munger Division, Munger.
5. The District Education Officer, Fort Area, Munger.
6. The District Programme Officer (Establishment), Munger.
7. The Principal, Girls High School Jamalpur, Munger.
8. The District Provident Fund Officer, Munger.
9. The District Treasury Officer, Munger.
10. The Accountant General (A&E), Bihar, Veerchand Patel Marg, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Mr. Avanindra Kumar Jha and Ms. Sweta Kumari, Advocates
For the State	:	Mr. Rajeev Ranjan, A.C. to G.P. 20
For the A.G.	:	Mr. Mani Kant Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 04-04-2018

Heard learned counsel for the petitioner; State and
Accountant General.

2. At the very outset, it is admitted that the admissible
retiral dues of the petitioner has been sanctioned/paid.

3. Learned counsel for the petitioner submitted that from
the pleadings, it transpires that such orders for making payment
though have been issued but ultimate payment of all the dues has not



yet been actually credited into the account of the petitioner. It was further submitted that such payment is required to be made by the respondent no. 9.

4. Learned counsel for the State submitted that the same ought to have been done but if it remains to be done, the respondent no. 9 shall ensure that the amount is credited into the account of the petitioner within two weeks.

5. Learned counsel for the petitioner submitted that as the petitioner had sought voluntary retirement from service with effect from 01.11.2014, and the same has been finally accepted, though by order dated 22.11.2017, for the period of such delay in payment being made to the petitioner, he may be granted the benefit of the Government decision contained in Memo No. P.C.-2-1-46/79/3155 dated 07.11.1981.

6. Having considered the matter, the writ petition stands disposed off with a direction to the respondent no. 9 to ensure that the retiral benefits of the petitioner, as has been sanctioned in his favour, be credited into his account, if already not so done, expeditiously and latest within two weeks from the date of production of a copy of this order before him. Further, with regard to grant of benefit of the aforesaid decision of the State Government relating to payment of 5% interest on delayed payment, the



petitioner shall be at liberty to represent before the respondent no. 3. If such a representation is filed within four weeks from today, the respondent no. 3 shall consider the same and pass a reasoned order. If it transpires that the decision has to be taken by the respondent no. 1, he shall forward the representation to the respondent no. 1 for appropriate decision. The said decision be taken within four weeks from the date of filing of the representation. If the authorities come to the conclusion that the petitioner is entitled to the benefit under the aforesaid policy of the State Government, the same be paid to him within four weeks from the date of passing of the order on his representation. The petitioner shall further be at liberty to represent before the authorities with regard to there being any discrepancy in the calculation, which shall be considered by the authorities, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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