

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4035 of 2018

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Mahesh Prasad Singh, S/o- Late Gajendra Singh, Resident of At+ P.O.- Ram Nagar
Diyara, P.S.- Athmalgola, District- Patna at Present Resident of Village- Rani Sarai,
P.S.- Bakhtiyarpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The Accountant General, Bihar, Patna.
4. The Divisional Commissioner, Patna Division, Patna.
5. The District Magistrate, Nalanda at Biharshariff.
6. The Deputy Collector, Establishment, District- Nalanda at Biharshariff.
7. The Sub- Divisional Officer, Biharshariff, District- Nalanda.
8. The Block Development Officer, Block- Bind, District- Nalanda.
9. The Block Development Officer, Block- Harnaut, District- Nalanda.
10. The Nazarat-in- Charge, Block Development Office, Harnaut, District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Onkar Kumar, Advocate
For the State	:	Mr. Anjani Kumar, AAG 4 with Mr. Sumit Kumar, AC to AAG 4
For the Accountant General	:	Mr. Shiv Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 31-08-2018

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

2. The petitioner has moved the Court for the following
reliefs:

*“That this is an application for issuance of an
appropriate writ(s), direction(s) Commanding the
Respondents authorities to pay the petitioner full*



pension, Gratuity, G.P.F., Leave Encashment and other retiral benefits from January, 2014 with 18% interest per annum as well as current pension on monthly basis.

And further for a direction to the Respondents to pay the petitioner arrear of salary from month of July, 2012 to January, 2014 with 18% interest per annum.

And/or

Pass such other order(s) as your lordship may deem fit and proper.”

3. On the day the writ petition was filed and the pleadings completed there was an order of compulsory retirement against the petitioner. On the basis of the same, from the pleadings, the Court is satisfied that the amount fixed by the authorities is in accordance with law. However, with regard to the actual payment it is incumbent upon the petitioner to complete the formalities by appearing before the authority concerned and also sign various papers and provide photographs etc. This is one aspect of the matter. Today, learned counsel for the petitioner submitted that the challenge to the order of compulsory retirement has been successful and yesterday in C.W.J.C. No. 17028 of 2016, the Court has interfered in the same.

4. In light of the picture which emerges, the Court finds that the present writ petition has served its purpose and accordingly



the same stands disposed off. The petitioner is required to move before the Competent Authority bringing such fact to his notice for payment of his legal dues, in accordance with law.

5. However, before parting the Court may observe that if the petitioner so desires, after appearing before the authorities concerned and completing the formalities, at least he should be paid the amount which has already been sanctioned by the authorities.

(Ahsanuddin Amanullah, J)

Anjani/-

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