

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.557 of 2014

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Shiv Nandan Prasad Singh Son Of Late Sitabi Prasad Singh Retired Principal,
Middle School, Shambhuganj, District- Banka

... .. Petitioner/s

Versus

1. The State Of Bihar Through Its Secretary, Human Resources Development Department, Sachiwalaya, Govt. Of Bihar, Patna
2. The Director, Primary Education, Govt. Of Bihar, Vikash Bhawan, Sachiwalay, Patna
3. The District Programme Officer, Establishment, Human Resources Development Department, Banka
4. The District Education Superintendent-Cum-District Programme Co-Ordinator, Banka
5. Headmaster, Middle School, Shambhuganj, Banka

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Advocate
		Mr. Pankaj Kumar Das, Advocate
For the Respondent/s	:	Mr. Prashant Kumar, Ac to Sc-5

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 19-11-2018 Petitioner superannuated on 31.12.2009. He filed the present writ application on 7.1.2014 yet after more than four years no counter affidavit has been filed.

The present writ application involves very simple issue. When the petitioner after superannuation on 31.12.2009 approached the authority for ensuring handing over charge. Administrative charge was handed over but financial charge has not been received from the petitioner as yet and as a result of their lackadaisical approach the petitioner is only getting provisional pension.

Since the respondents have not filed any counter



affidavit even after expiry of four years and ten months, the Court is constrained to dispose of the writ petition with direction to the District Programme Officer (Establishment), Banka to see that the petitioner may be relieved from the financial charge and he may be issued no objection certificate so that the entire formality is completed for payment of entire pensionary benefit.

In the event, the obligation with regard to relieving the petitioner from the financial liability as Headmaster is not completed within a period of two months, the respondents are under obligation to issue no objection certificate so that petitioner may be paid his pensionary benefit at the earliest.

Within the time frame indicated above, the respondents have to see the formality with regard to relieving the petitioner from the financial liability is completed so that the petitioner may be granted post-retiral benefit at the earliest.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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