

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3615 of 2017

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Mithilesh Kumar Singh, Son of late Satya Narayan Singh, Resident of Village
- Katari, P.S. Rani Talao, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Director General of Police Bihar, Patna.
2. Deputy Inspector General of Police (Administration), Bihar, Patna.
3. Superintendent of Police, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Lal
For the Respondent/s	:	Md. N.H. Khan, SC1
		Ms. Babita Kumari, AC to SC 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 30-11-2018

Heard Mr. Arun Kumar Lal, learned counsel for the
petitioner and Mrs. Babita Kumari, learned AC to SC 1 for the
Respondent-State.

Though the present writ application was registered on
07.03.2017, but till date no counter affidavit has been filed, hence
in view of the nature of order this Court intends to pass, this Court
is not inclined to adjourn the matter.

The present writ application has been filed for a
direction to the respondent authorities for payment of entire retiral
dues, keeping in view the fact that although the retiral dues have
been paid to the petitioner, but the same has been paid on the basis
of incorrect calculation. In other words, the petitioner is seeking
the payment of difference of amount.



The factual matrix of the case is that the petitioner was appointed as literate constable in Bihar Police, Government of Bihar by competent authority in the year 1976. In the year, 1994, the petitioner was promoted to the rank of Assistant Sub-Inspector of Police. In the year 2009, the petitioner was promoted to the rank of Sub-Inspector of Police and ultimately he retired from the post of Sub-Inspector of Police in the year 30.01.2015. Though, pension of the petitioner was fixed after his retirement and the retiral dues were paid, but the petitioner was made less payment under four heads which has been detailed in paragraph no.8 of the writ application, which reads as follows:-

“That in the following head, petitioner has got less payment as per calculation is given below:-

(i) Difference amount of pension was not given to him

(ii) G.P.F. has not been calculated correctly

(iii) Leave Encashment was grantedly 195 days whereas it should be 300 days.

(iv) Other differential amount with an interest.”

Learned counsel for the petitioner submits that aforesaid payment as stipulated in paragraph no.8 of the writ application has not been paid, however, similarly situated person, Gopal Pradhan, who was appointed along with the petitioner and retired from the same post, on the same day, has been paid more than the petitioner. The petitioner is suffering from paralytic attack and despite of the



representations being submitted, the same has not been paid, hence the present writ application.

Learned AC to SC 1 submits that at present she is not having any instruction, but if less payment has been made or whatever is left over to be paid, the same will be calculated within a time frame and the same will be paid to the petitioner.

Considering the rival submissions of the parties and perusing the materials on record, it does not appear that the date of appointment is in dispute, however, specific details of the quantum of due payment to the petitioner, has not been pleaded in the writ application, particularly in paragraph no.8 of the writ application.

Considering the fact that the retiral benefits is neither a charity nor a bounty, rather it is the vested right of the public servant for the services rendered by him and in view of the fact that the petitioner is suffering from paralytic attack, the petitioner is permitted to submit a representation, containing therein the details of the claim within three weeks of receipt of the copy of this order before the Director General of Police as well as Superintendent of Police and within six weeks thereafter, it is expected from respondent authorities to decide claim of the petitioner and within two weeks thereafter, admitted retiral dues be paid. Entire exercise has to be completed within eight weeks from



the date of submission of the representation by the petitioner, failing which the petitioner will be entitled for interest at the rate of 8% per annum and the same will be recovered from the person responsible for the same.

Accordingly, with the above observation and direction, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/Deepak/-

AFR/NAFR	
CAV DATE	
Uploading Date	21.01.2019
Transmission Date	

