

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16733 of 2012

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Rakesh Ranjan Son Of Late Chitranjan Mahto Resident Of Mohalla- Pokharia,
Ward No. 28, P.O. & P.S., Town, District- Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Begusarai
3. The Circle Officer, Teghra, District- Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Naresh Malhotra, Sr. Advocate with Mr. Binod Kumar Sinha, Advocate
For the State	:	Mr. Birju Prasad, GP 13 with Mr. Amresh, AC to GP 13

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-03-2018

Heard learned counsel for the petitioner and State.

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

*“ That this writ application is being filed on behalf
of the petitioner for a direction to the Respondent
Authorities for the payment of the retiral dues of
his deceased father, such as GPF, Gratuity, Leave
encashment, group insurance, unpaid salary,
unpaid pension amount etc. which have not been
paid by the Respondent Authorities even though
the petitioner’s father died while in service, and/or*



issuance of any other writ/writs, order/orders, direction/directions as your Lordship may deem fit and proper.”

3. The claim of the petitioner is that his late father is required to be paid post retiral dues because he had died, and, thus, the departmental proceeding and criminal case pending have abated.

4. Learned counsel for the State submitted that the allegation against the father of the petitioner was of defalcation of over Rs. Ten Lakhs and in the criminal case also the case had been found true, though the petitioner has died, but in the departmental proceeding charges being serious have not been found to be false and rather true.

5. Having considered the matter, the Court in its prerogative, extraordinary writ jurisdiction under Article 226 of the Constitution of India does not feel inclined or persuaded to interfere in the matter as it is a discretionary jurisdiction and in the background of the conduct of the father of the petitioner, where both in the departmental proceeding and the criminal case, the allegation of defalcation of a huge amount has been found to be correct. Accordingly, this Court would not issue any mandamus or direction to the authorities to pay full retiral dues to the late father of the petitioner. However, the same would not preclude the authorities



from considering the matter as per their policy decision. In this regard, if any representation is pending or a fresh representation is filed within four weeks from today, the authorities concerned shall consider the matter and dispose off the same by passing a reasoned order within four weeks from the date of such filing.

The writ petition stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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