

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13101 of 2018

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Raghvendra Choudhary Son of Raman Choudhary Ward No. 09, Rampur Jalalpur,
P.S. - Dalsinghsarai, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, (Primary Education), Education Department, Government of Bihar, Patna.
4. The Director, Bihar Education Project, Samastipur, Patel Maidan, Gate No. 4, Kashipur, Samastipur.
5. The District Magistrate, Samastipur.
6. The District Programme Officer, Primary Education, Sarva Shiksha Abhiyan, Samastipur.
7. The Block Education Officer, Dalsinghsarai, District - Samastipur.
8. The Secretary, School Adhoc Committee, Samastipur.
9. The Principal, Prathmik Shikshak Shiksha Mahavidyalaya, Samastipur.
10. The Accountant General, Bihar, Patna.
11. The District Programme Officer (Establishment), Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 14-08-2018

Heard learned counsel for the petitioner and State.

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

“(i) For issuance of appropriate writ (s) thereby commanding and directing the respondents to release a sum of Rs. 11,87,802/- (Eleven Lacks Eighty Seven Thousand Eight Hundred and Two only) against the amount of commuted pension to the petitioner who has retired on 28.02.2018 as Principal Prathmik Abhyasshala, Rampur



Jalalpur, District- Samastipur as per Pension Commutation Payment order dated 12.04.2018 issued by the respondent No. 10 in favour of the petitioner.

(ii) For further issuance of appropriate writ (s) thereby commanding upon the respondents to release a sum of Rs. 10,14,720/- (Ten Lakhs Fourteen Thousand Seven Hundred and Twenty Only) against the Gratuity amount in favour of the petitioner as per Gratuity Payment order dated 12.04.2018 issued by the respondent No. 10.

(iii) For further commanding upon the respondents to pay the petitioner monthly pension @ 18120/- (Eighteen Thousand One Hundred and Twenty Only) w.e.f. the date of his retirement as per pension payment order dated 12.04.2018 issued by the respondent No. 10.

(iv) For further commanding and directing the respondents to pay amount of Rs. 4,87,000/- (Four Lakh Eighty Seven Thousand only) against the petitioner's Provident Fund amount, Rs. 6,27,000/- (Six Lakh Twenty Seven Thousand only) as against his Earned Leave money as also all his post retiral benefits accruing thereto which has been illegally withheld by the respondents in violation of this Hon 'ble Court's order.

(v) For further directing the respondents to pay interest @ 18% on all the retirement dues amount



which has been illegally withheld by the respondents alongwith litigation cost payable to the petitioner.

(vi) For grant of any other relief (s) which the petitioner may be entitled to in the facts and circumstances of this case.”

3. The undisputed position is that authority in favour of the petitioner for payment of gratuity and pension has been issued by the Accountant General but actual payment is not being made due to order of recovery of Rs. 6,33,177/- on account of non-conciliation relating to advance taken by the petitioner for construction of school building.

4. It is an admitted position that against such order for recovery, the petitioner has moved in C.W.J.C. No. 8283 of 2017 which is pending.

5. Having regard to the aforesaid, learned counsel for the petitioner submitted that, at best, the authorities can withhold Rs. 6,33,177/- till the final decision by the Court, but with regard to the remaining amount, they have no authority to hold back the same.

6. The Court finds substance in such contention.

7. Faced with the same, learned counsel for the State very fairly submitted that the authorities will not withhold the amount in excess of Rs. 6,33,177/- and the same shall be paid latest within



two weeks from today.

8. In view of the aforesaid, the writ petition stands disposed off with a direction to the District Programme Officer, (Establishment), Samastipur to ensure that the due payments of the petitioner, in accordance with law, in terms of the authority issued by the Accountant General is credited into his account, after withholding an amount of Rs. 6,33,177/-, latest within four weeks from the date of production of a copy of this order before him.

9. For the sake of convenience, let the District Programme Officer (Establishment), Samastipur be impleaded as respondent no. 11. Necessary correction be made in the cause title of the writ petition by learned counsel for the petitioner during the course of the day. Learned counsel for the State accepts notice on his behalf.

10. It is made clear that with regard to withholding of Rs. 6,33,177/-, the same shall abide by the decision of the Court in C.W.J.C. No. 8283 of 2017.

(Ahsanuddin Amanullah, J)

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