

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13759 of 2018

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Shyamal Kishore Khan s/o Bhageshwar Khan r/v+P.O.+P.S.-Bangaon Tola,
Pachhwari Tola, District -Saharsa

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Public Health Engineering Department, Bihar Patna
2. The Engineer in Chief, Public Health Engineering Department, Bihar Patna
3. The Additional Secretary Finance Department, Bihar Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Goutam
For the Respondent/s : Mr. S.Raza Ahmed -Aag5

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date : 13-12-2018

Heard learned counsel for the petitioner learned counsel appearing on behalf of State as well as learned counsel appearing on behalf of Accountant General Bihar.

The petitioner superannuated from service on 31.01.2017 and prays for payment of G.P.F., Gratuity and fixation of pension in the revised scale as well as benefit of A.C.P./M.A.C.P and C.P.F. amount deposited. Petitioner was initially appointed as Plumbing Khalasi (daily wager) in Public Health Division, Begusarai on 28.10.1980 was taken into work-charge establishment on 21.04.1982. He was reverted from the work-charge establishment to a daily wager in the year 2002 but in view of the order passed in C.W.J.C. No. 7352/2002 and



other analogous cases, petitioner was regularized in service in the year 2006 in light of resolution no. 639 dated 16.03.2006.

It has been submitted by the learned counsel for the State that his Earned Leave has been paid on 06.12.2017, Group Insurance has been paid on 06.12.2017 and G.P.F. of Rs. 60377/- has also been paid to the petitioner on 20.02.2017. So far as the gratuity and pension is concerned, authority letter for payment of pension has already been issued and the Accountant General has also issued P.P.O. for the same with regard to benefit of A.C.P. and M.A.C.P and continuity of service. He submits that a similar issue has been referred to the Full Bench in the case of Smt. Amrika Devi vs. State of Bihar and Ors in C.W.J.C. NO. 10063/12 by order dated 27.07.2018.

Considering the submissions of parties, this writ application is disposed of with a direction that dues sanctioned and P.P.O. prepared with regard to gratuity and pension vide Annexure -R-4 of the counter affidavit filed by Respondent 1, 2, 3 and 5 be paid to the petitioner within a period of two months from the date of



production of a copy of the order before the respondent
no. 7 the Treasury Officer Saharsa. The other dues of the
petitioner as claimed would await order of the Full
Bench.

(Nilu Agrawal, J)

vinita/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	02.01.2019
Transmission Date	

