

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19403 of 2018

Naresh Prasad Sinha Son of Sri Kedar Prasad Sinha resident of Village - Poksi, Police Station - Pakribarawan in the district of Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
2. The Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
3. The Director, Panchayati Raj Department, Government of Bihar, Patna.
4. The District Magistrate-cum-Collector, Nawada.
5. The District Panchayat Raj Officer, Nawada.
6. The District Provident Fund Officer, Nawada.
7. The Block Development Officer, Warsaliganj in the district of Nawada.
8. The Block Development Officer, Roh in the district of Nawada.
9. The Block Development Officer, Nardiganj in the district of Nawada.
10. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Respondent/s : Mr. Manish Kumar, AAG-6
For the Accountant General: Mr. R.K. Privadarshi, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 05-10-2018 1. Heard learned counsel for the petitioner and
counsel appearing on behalf of the State.

2. The grievance of the petitioner in the present writ application is non-payment of Post- Retirement benefits. Despite the fact that petitioner retired on 31.10.2013.

3. The welfare State was expected to respond the issue of payment of Post-Retiral dues as pension is right of employee and non-bounty.

4. Learned counsel appearing on behalf of the



respondents submits that departmental proceeding is pending against the petitioner and as such the petitioner cannot be granted his Post-retiral dues.

5. Petitioner superannuated on 31.10.2013 and after retirement respondents are required to ensure payment of Post-retiral dues other than which is subject matter of attachment such as Pension and Gratuity.

6. Accordingly, the instant writ petition is disposed of with direction to the respondents to take appropriate decision with regard to Post-retiral dues which is not otherwise subject to attachment on account of pendency of the departmental proceeding. The respondents are directed to ensure payment of all admissible dues to the petitioner in accordance with law at the earliest preferably within a period of four months from the date of receipt/ production of a copy of this order.

7. With the aforesaid the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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