

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18719 of 2016

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Ramanand Pasi, Son of Late Sheo Lal, resident of village - Shampur, Post office - Nabalpur, Police Station Salempur, District Devariya (Uttar Pradesh).

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resources Department, Bihar, Patna.
3. The Director, Land Acquisition and Rehabilitation, Water Resources Department, Bihar, Patna.
4. The Special Land Acquisition Officer, Middle Irrigation Project, Water Resources Department, Bhagalpur, Bihar.
5. The District Magistrate, Bhagalpur, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 03-08-2018

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court for the following

reliefs:

“(i) For issuance of writ in the nature of mandamus or any other appropriate writ for directing the respondents to make payment of the pension, gratuity and the leave encashment of the peittioner upon his retirement.

(ii) For issuance of any other appropriate writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. Counter affidavit has been filed on behalf of respondent no. 4, in which it has been stated that Group Insurance and G.P.F. amount have been paid and with regard to pension, the matter has been sent to the Accountant General to issue authority slip



for payment of provisional pension and gratuity.

4. Learned counsel for the petitioner submitted that even Leave Encashment has not been paid.

5. Learned counsel for the State submitted that there is a departmental proceeding pending against the petitioner.

6. Having regard to the aforesaid, in view of the law laid down by a Full Bench of this Court in the case of **Arvind Kumar Singh vs. State of Bihar** reported as **2018(2) PLJR 933**, the petitioner shall be entitled for payment of provisional pension and gratuity to the extent of what is provided under Rule 43(c) of the Bihar Pension Rules, 1950 and the Competent Authority can withhold encashment of earned leave.

7. In view thereof, the admissible dues having been paid to the petitioner and there being no rejoinder to the counter affidavit filed in February, 2017, the Court finds that the writ petition has served its purpose. Accordingly, the same stands disposed off.

8. It goes without saying that depending on the ultimate result in the departmental proceeding, the final settlement of the retiral dues of the petitioner shall be made by the authorities.

(Ahsanuddin Amanullah, J.)

P. Kumar

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