

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9728 of 2017

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Dr. Baren Bose S/o Late MM Bose, Resident of House No. 50, Patliputra Colony,
P.S. Patliputra, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Health and Family Welfare Department, Government of Bihar, Patna.
3. The Civil Surgeon cum Chief Medical Officer, Khagaria.
4. The Principal Secretary, Finance, Government of Bihar, Patna.
5. The In Charge Officer, Finance Department, Personal Claim Settlement Cell (Vyaktic Dawa Koshang), Officers Hostel Birchand Patel, Patna.
6. The Director, Provident Fund, Bihar, Patna.
7. The District Provident Fund Officer, Khagaria.
8. The Treasure Officer, Khagaria.
9. The Accountant General, A & E, Birchand Patel Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Roona, Advocate
For the State	:	Mr. Ajay Behari Sinha, G.A. 8
		Mr. Suryakant Kumar, A.C. to G.A. 8
For the A.G. Bihar	:	Mr. Dharmendra Chaubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 07-09-2018

Heard learned counsel for the petitioner and State.

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

“(i) Issuance of an order/ direction/ appropriate writ commanding the Respondents to pay pension, gratuity, leave salary and other post retiral benefits to the Petitioners with interest @ 10% on account of delayed payment.

(ii) For a direction upon the Respondent to fix last salary of the Petitioner for determination of his pension and further prayer is for payment of interest on Provident Fund amount.

(iii) Any other order/orders for which the petitioner is found entitled to in the facts and



circumstances of the present case.”

3. At the very outset, learned counsel for the petitioner submitted that the claim for leave salary is not being pressed.

4. The petitioner applied for voluntary retirement initially on 14.12.2005. However, he again applied on 04.06.2007 seeking voluntary retirement with effect from 04.09.2007. When the same was still pending consideration, the petitioner filed C.W.J.C. No. 4173 of 2013, seeking a direction for acceptance of his prayer for voluntary retirement and during the pendency of the writ petition, under Notification dated 02.08.2013, the Competent Authority granted voluntary retirement to the petitioner with effect from 04.09.2009. The petitioner filed an Interlocutory Application in the aforesaid writ petition seeking shifting back his effective date of retirement from 04.09.2009 to 04.06.2007 and, thus, the writ petition was disposed off on 25.08.2014, granting liberty to the petitioner to file fresh representation before the Principal Secretary of the Department for necessary correction in respect of the effective date of retirement. However, it appears that the petitioner did not file any fresh representation and rather moved the Court in the present writ application. During the pendency of the present writ application, the authorities came out with notification dated 11.04.2018, by which the effective date of retirement of the petitioner was shifted back to



04.09.2007 from 04.09.2009.

5. In view of the position emerging, nothing really remains for adjudication as the authorities themselves have shifted the effective date of retirement of the petitioner to 04.09.2007 and, thus, they are required to only take the obvious consequential action to pay the retiral/terminal dues of the petitioner in terms of such decision taken by them.

6. In the counter affidavits filed on behalf of the State authorities, the stand is that initially the petitioner had not filled up the required form and also not completed the formalities for payment of his dues and only in October, 2017, the same was done and thereafter, the authorities have forwarded the matter to the Department in November, 2017, where things have remained pending.

7. Learned counsel for the petitioner submitted that since no objection has been raised by the authorities, which they could also not raise now, and the petitioner having been paid only about Rs. 5 lakhs under the head of Provident Fund, the authorities be directed to release the remaining admitted dues within a fixed period.

8. Learned counsel for the State fairly submitted that the authorities are required to release the admissible dues of the petitioner for which he prayed that at least four weeks time be given.



9. Having regard to the aforesaid, especially taking into account the fair stand taken on behalf of the petitioner of giving up the claim for leave salary and equally fair stand taken by the learned State counsel that within four weeks, the amount shall be paid, the writ petition stands disposed off with a direction to the respondent no. 2 to ensure that all admitted retiral/terminal dues of the petitioner is paid to him at the earliest and latest within a period of two months from the date of production of a copy of this order before him.

10. As the writ petition has been disposed off giving ample time to the respondents, the Court hopes that the time frame fixed by the Court for making payment shall be strictly adhered to.

(Ahsanuddin Amanullah, J.)

P. Kumar

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