

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.4556 of 2019**

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Jay Prakash Sinha, aged about 62 years (Male), Son of late Ram Lakhan Lal,  
Resident of Village- New Area, G.T. Road, Post Office- Dalmiya Nagar Dehri  
On Son, District- Rohtas at Sasaram, Presently Residing at Near Chiraiyatard  
High School, Police Station- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Transport Department,  
Bihar, Patna.
2. The State Transport Commissioner, Bihar, Patna.
3. The Deputy Secretary, Transport Department, Bihar, Patna.
4. The Under Secretary to the Govt., Transport Department, Bihar, Patna.
5. The District Transport Officer, Patna.
6. The State of Jharkhand through the Principal Secretary, Transport, Ranchi.
7. The District Transport Officer, Hazaribagh, District- Hazaribagh.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|--------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. K.N. Choubey, Sr. Adv.<br>Mr. Ashok Kumar Garg, Adv.<br>Mr. Prashant Kumar, Adv. |
| For the Respondent/s | : | Mr. Anshuman Singh, AC to AG<br>Mr. Arup Kumar Chongdav, Adv.                        |

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

**ORAL JUDGMENT**

**Date : 26-03-2019**

The petitioner, who has superannuated from the  
post of Peon in the Department of Transport in the year



2016, is aggrieved by the fact that despite recommendation by the concerned authorities for being paid the financial progression, by way of 1<sup>st</sup> and 2<sup>nd</sup> A.C.P. and M.A.C.P., the same has not been paid to him. The petitioner has also not been given the other post-retiral benefit of leave encashment of 175 days to which he is entitled along with an interest @ 12% per annum.

2. From the averments made in the writ petition, it appears that the claim of the petitioner was forwarded by the concerned authority but till date, no payment has been made to him. It further appears from the writ petition that some objections have been raised with respect to the claim of the petitioner being stale as he has retired in 2016 and was entitled for 1<sup>st</sup> and 2<sup>nd</sup> A.C.P. and M.A.C.P. much before the date when he superannuated.

3. The aforesaid objection, as has been argued by the learned Senior Advocate for the petitioner, does not mean anything as a model employer cannot take shelter of its own fault.

4. Taking into account the fact that the



petitioner has superannuated in the year 2016 and for several years that he rendered service in the Department, he has not been paid any financial progression to which he was entitled, this Court directs the petitioner to make a detailed representation before the State Transport Commissioner, Bihar, Patna (respondent No. 2) within a period of four weeks from today. On receipt of such representation, the respondent No. 2 shall have the facts verified, hear the petitioner and, thereafter, shall pass necessary order in accordance with law within a period of six weeks of the receipt of such representation. If the claim of the petitioner is found to be tenable, necessary sequel order shall be passed, directing for the disbursement of the petitioner's claim.

5. With the aforesaid observation and direction, the writ petition stands disposed off.

**(Ashutosh Kumar, J)**

Praveen-II/-

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| AFR/NAFR          | NAFR       |
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