

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.42 of 2017

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Sri Satyanarayan Singh Sathi, Son of Late Khublal Singh, Resident of Village- Mangarpa, P.O. Gonai, Via- Asarganj, Police Station- Tarapur, District- Munger, At present Mohalla R/O Mohalla Azad Nagar, Gayatri Nagar, P.O. Purab Sarai, Police Station- Kotwali, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Engineering and Water Resources Development, Bihar, Patna.
2. The Gandak Area Development Agency Muzaffarpur, through its Chairman.
3. The Chairman- Cum- Commissioner, Gandak Area Development Agency, Muzaffarpur.
4. The Superintendent Engineer, Gandak Area Development Agency, Muzaffarpur.
5. The Executive Engineer, Gandak Area Development Agency, Motihari.
6. The Account Officer, Gandak Area Development Agency, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Binay Kumar, Advocate
For the State	:	Mr.Harish Kumar- GP-8
For the Respondents no.2to6	:	Mr. Satish Chandra Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 17-05-2019 Learned counsel for the petitioner submits that the petitioner, who retired on 28.02.2015 as Officiating Junior Engineer Gandak Area Development Agency, Muzaffarpur has filed the instant writ petition for direction to the respondents authorities to pay the retiral dues of the petitioner, such as, leave encashment and gratuity with statutory as well as penal interest at the rate of 18% per annum.

It is the case of the petitioner that besides above dues, the amount under the head of additional payment for deputation



or officiating as Junior Engineer from 15.04.2010 to 28.02.2015 has also not been paid to the petitioner.

A counter affidavit has been filed on behalf of respondent no.1 and a separate counter affidavit has been filed on behalf of respondent nos.2 to 6.

From perusal of the counter affidavit filed on behalf of the respondent nos.2 to 6, it transpires that the amount payable to the petitioner under the head of leave encashment and gratuity has already been paid to the petitioner, which is evident from letter no.144 dated 27.04.2017 issued by the Executive Engineer, Division Office Gandak Area Development Agency, Motihari, enclosed as Annexure-A to the counter affidavit of respondent nos. 2 to 6.

Further the said amount has been received by the petitioner and the copies of the receipt have also been brought on record as annexed to the said counter affidavit.

This writ application is disposed of with liberty to the petitioner that so far as the amount due under the head of 'Additional Payment for Deputation or officiating as Junior Engineer from 15.04.2010 to 28.02.2015' and interest for delayed payment is concerned, the petitioner will be at liberty to file a representation before the respondent no.3 within a period



of three months from today. If such representation is filed along with the copy of this order, the respondent no.3 will pay the admitted dues under these heads to the petitioner within a period of three months from the date of above representation.

In case, any dues is found not payable to the petitioner, the same shall be communicated to the petitioner by a reasoned order within the aforesaid period.

The writ application stands disposed of with the aforesaid observations and directions.

(Partha Sarthy, J)

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