

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1447 of 2018

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Chandeshwar Jha Son of Late Harish Chandra Jha, R/o Village- Arer Dih
Tola, P.O.- Arer Hat, P.S.- Arer, District- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Road Construction Department, Nirman Bhawan, Govt. of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Nirman Bhawan, Govt. of Bihar, Patna.
3. The Superintending Engineer, Road Construction Department, Circle- Darbhanga, District- Darbhanga.
4. The Executive Engineer, Road Construction Department, Road Division, Madhubani, District- Madhubani
5. The Accountant General, Bihar, Birchand Patel Path, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None.
For the Respondent State: Mr.Swapnil Kumar Singh, AC to GP 19
For the Accountant General: Mr. Uday Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 22-07-2019 The present writ petition has been filed inter alia
making the following prayer:-

“ This writ application is being filed for issuance of a writ in the nature of mandamus commanding the respondent authority to release the retirement benefit of the petitioner with effect from the date of his retirement and also to fix his retiral benefits and pension in the pay scale of Rs. 1400-40-1800-50-2300 last pay drawn by the petitioner as after his retirement the two letters contained in memo no. 402 dated 13.03.2012 by which his first time bound promotion has been cancelled and the order of recovery has been made vide letter contained in memo no. 512 dated 09.05.2013, were already set aside by this Hon’ble Court and the same attain finality and further for issuance of any other appropriate



writ/writs, order/orders, direction/ directions for which the petitioner is entitled to in the facts and circumstances of the case”.

It is submitted by the learned counsel for the respondents that the aforesaid prayer for making payment is not being acceded to inasmuch as the respondent State has preferred an appeal bearing L.P.A. No. 1481 of 2016 against the order dated 08.04.2016 passed by a co-ordinate Bench of this Court in CWJC No. 6623 of 2014.

From the records this Court finds that the aforesaid appeal bearing LPA No. 1481 of 2016 has stood dismissed for default and till date, the same has not been restored, hence this Court is of the opinion that the order of the writ court dated 08.04.2016 is to be complied with.

Accordingly, the present writ petition is disposed of with a direction to the respondents no. 3 to 5 to ensure payment of the aforesaid amounts, as mentioned in the prayer reproduced herein above, within a period of six weeks from today, failing which the respondents no. 3 to 5 shall not draw their salary.

(Mohit Kumar Shah, J)

Tiwary/-

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