

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5441 of 2017

Sri Kamla Prasad Singh Son of Late Buneshwar Singh, Resident of Village-
Bella, P.O.- Chainpur, P.S.- Mali Navinagar, District- Aurangabad.

... .. Petitioner

Versus

1. The State Of Bihar through the chief Secretary , Bihar, Patna
2. The Secretary, Department of Agriculture, Government of Bihar, Patna.
3. The Director, Department of Agriculture, Government of Bihar, Patna.
4. The District Magistrate, Bhojpur, Ara.
5. The District Magistrate, Rohtas, Sasaram.

... .. Respondents

Appearance :

For the Petitioner : Mr. Amit Kumar Singh, Advocate
For the Respondents : Mr. Anant Pd. Singh- SC15

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 07-05-2019 Heard learned counsel for the petitioner as well as
learned counsel for the State.

Writ petition has been filed for payment of gratuity,
unutilized earned leave, provident fund and for fixation of final
pension.

It is submitted by learned counsel for the petitioner
that the petitioner superannuated on 31.3.2004 while holding the
post of the Block Development Officer, Rohtas at Sasaram.
During the service period, the petitioner was made an accused in
Agion Police Station Case No. 29 of 2001 dated 1.9.2001
registered for offence under sections 406, 409, 420, 467, 468
and 471 of the Indian Penal Code. However, after
superannuation, petitioner's pension was provisionally fixed



vide PPO No. 371643 dated 11.1.2005 but gratuity of 16 months, unutilized earned leave of 10 months and provident fund amount deposited in AG Account No. 920352 has also not been paid to him.

Learned counsel for the petitioner submits that in the year 2015 the petitioner was acquitted on merit in the aforesaid criminal case vide judgment dated 3.3.2015, passed by the Court of the Judicial Magistrate, 1st Class, Bhojpur in Trial No. 3127 of 2015. Immediately after his acquittal in the aforesaid case, the petitioner filed a detailed representation on 11.8.2015 before respondent no.2, still his claim has not been decided.

Learned counsel for the State, referring to paragraphs 7 & 8 of the counter affidavit duly sworn by the Deputy Director, Agriculture Department, Bihar, Patna, submits that in spite of repeated communications to the District Magistrate, Bhojpur, District Magistrate, Rohtas and the District Agriculture Officer, Rohtas, vide Letter No. 409 dated 5.5.2017 and Letter No. 891 dated 18.9.2017 (Annexures A & B respectively), no report with regard to payment of admissible dues of the petitioner has been received even after lapse of two years.

In view of the aforesaid circumstances, writ petitioner is directed to file a detailed representation before the Director,



Department of Agriculture, Government of Bihar, Patna
(respondent no.3) within three weeks from today with a copy of
this order.

In the event, such representation is filed, respondent
no.3 is expected to dispose of petitioner's representation by a
reasoned and speaking order strictly in accordance with law
within further four weeks from the date of receipt of the
representation.

Respondent nos. 4, the District Magistrate, Bhojpur as
well as respondent no.5, the District Magistrate, Rohtas are also
directed to ensure disposal of petitioner's claim within the said
period.

Needless to say that if any admissible dues is found to
be due to the petitioner including the fixation of final pension,
the same must be paid to him within further period of six weeks
thereafter.

Writ petition stands disposed of with the aforesaid
observations and directions.

(Prabhat Kumar Singh, J)

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