

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9636 of 2017

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Rabi Shankar Jha son of Late Laxmishwar Jha, resident of Mohalla College Road, Behind Kali Mandir, P.S.Sahebganj, District- Sahebganj Jharkhand.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Department of Health, Government of Bihar, Patna.
2. The Director, Health Department, Bihar, Patna.
3. The Civil Surgeon, cum Chief Medical Officer, Khagaria.
4. The Superintendent, Sadar Medical College, Khagaria.
5. The District Provident Fund Officer, Khagaria.
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shailendra Kumar Singh, Advocate
For the State	:	Mr.Ajay Behari Sinha-GA 8
		Mr. Suryakant Kumar, AC to GA 8.
For the AG	:	Mr. Arun Kumar Arun, AC to GA 8

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 15-05-2019

Learned counsel for the petitioner seeks permission to make correction in the description of respondent no. 4 to the writ application. He is permitted to do the same in course of the day.

2. Heard learned counsel for the petitioner, learned AC to GA 8 for the State and learned counsel for the Accountant General.

3. The petitioner whose voluntary retirement was allowed on 26.02.2013, has filed the instant application for payments of



his retiral benefits i.e., pension, gratuity, earned leave, GPF, LIC and other benefits i.e., ACP and 6th Pay revised pay Scale along with statutory interest on the delayed payment.

4. Counter affidavit on behalf of Director, Health Department, Bihar, Patna, the District Provident Fund Officer, Khagaria, and the Accountant General, Bihar, have been filed.

5. So far as amount under the head of pension and gratuity are concerned, from perusal of the counter affidavit filed on behalf of the Accountant General, it transpires that the pension and gratuity amount of the petitioner has been authorized vide letter dated 13.08.2015 and revised authority has also been issued vide letter dated 28.09.2017.

6. So far as amount under the head of General Provident fund is concerned, the petitioner has drawn attention of the Court to letter dated 31.03.2016 (Annexure-3) to the writ application to show that direction had been given by the Deputy Secretary, Health Department, Bihar to the District Provident Fund Officer, Khagaria to issue authority slip with respect to the amount due under the head of General Provident Fund. However, it is stated on behalf of the petitioner that the amount under this head has still not been paid in spite of more than three years having been passed of the letter being written to the



District Provident Fund Officer, Khagaria.

7. The learned counsel for the State has submitted that letter dated 18.08.2017 (Annexure-D to the counter affidavit of respondent no. 5) was written by the District Provident Officer, Khagaria to the Civil Surgeon-cum-Chief Medical Officer, Khagaria stating therein that the required documents/letter have been sent on 12.08.2016 to the Superintendent, Sadar Medical Hospital, Khagaria for payment of amount under the head of Provident Fund. At this point it is submitted on behalf of the petitioner that the amount under the head of General Provident Fund has still not been paid by the Superintendent, Sadar Medical Hospital, Khagaria.

8. So far as the amount under the head unutilized earned leave is concerned, the contention on behalf of the State is that as per counter affidavit filed on behalf of the respondent no. 2 the same could not be paid because of non regularization of the period of leave from 20.06.2011 to 18.07.2011 and for the period from 13.06.2012 to 26.02.2013.

9. It is submitted on behalf of the petitioner that so far as regularization of the above periods are concerned, he has already filed detailed representation, copies of which have also been brought on record as Annexure- 5 and 6 to the writ



application, however, the period have neither been regularized by the respondent authorities nor have they passed any orders thereon. Final order with respect to regularization of the aforesaid period will also have to be passed by the Superintendent, Sadar Medical Hospital, Khagaria. It is further submitted that the petitioner has not been paid the amount due under the head of LIC, gratuity as also the arrears of salary in the revised scale for the period from 01.04.2007 to February, 2009 and from November, 2008 to April, 2010.

10. Having heard the counsel for the parties, this application is disposed off with a direction that the petitioner will file a detailed representation alongwith a copy of this order before the Superintendent, Sadar Medical Hospital, Khagaria (respondent no. 4) with respect to payment of the amount due under the head of earned leave, LIC, gratuity, GPF and arrears of difference of salary along with the statutory interest, wherever applicable. In case the representation is filed within a period of three months from today, the respondent no. 4 shall dispose of the same within a period of three months from the date of receipt/production of a copy of this order and will also pay the admitted dues within the said period.

11. Writ application stands disposed off with the above



observations and directions.

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

