

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19590 of 2019

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Bharat Sah, son of late Raj Narayan Sah, resident of village - Paithanpatti,
P.O.- Dariyapur, P.S.- Harsiddhi, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Science and Technology, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Department of Science and Technology, Govt. of Bihar, Patna.
3. The Special Secretary-cum- Public Grievance Redressal Officer, Department of Science and Technology, Govt. of Bihar, Patna.
4. The Director, Science and Technology, Govt. of Bihar, Patna.
5. The Principal Motihari Engineering College, Motihari, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madhu Prasun, Advocate
For the State : Mr. Anwar Karim, A.C. to G.P. - 10

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 13-11-2019

Heard learned counsel for the parties.

2. This writ application has been filed seeking direction to respondent No. 5, the Principal, Motihari Engineering College, Motihari, East Champaran, to issue Last Pay Certificate (LPC) which according to the petitioner, has been illegally withheld which has caused to the petitioner serious pecuniary loss and sufferings. The petitioner was working as a Cashier in Motihari Engineering College, Motihari, and it transpires that he was promoted and transferred as a Head Clerk from the said college to Government Polytechnic, West Champaran, Bettiah, with the



issuance of an order dated 24.05.2018 by the Director, Science and Technology, Government of Bihar.

3. It is the petitioner's case that despite the fact that he was relieved from Motihari Engineering College, Motihari, to join new place of posting, he was not issued Last Pay Certificate, though, the petitioner has been paid his salary, which had remained withheld because of non-issuance of LPC, for a considerable period of time. Last Pay Certificate is yet to be issued by the respondents.

4. A counter affidavit has been filed on behalf of the respondents wherein it has been stated that there is serious allegation of misconduct against the petitioner of not handing over the charge as well as of irregularities in not maintaining cash book, which has been pointed out by the office of the Accountant General, Bihar, Patna, in its audit report for the year 2014-15 while the petitioner was posted as Cashier in Motihari Engineering College, Motihari. It has also been stated that the petitioner was asked to hand over his charge on 31.05.2018 but till date he has not handed over the charge of his previous office.

5. Learned counsel appearing on behalf of the petitioner has submitted that there is no departmental action pending against the petitioner nor any enquiry has been initiated.



He contends that the petitioner is going to attain the age of superannuation shortly, and there will be hurdles in sanction and payment of pensionary benefits, if Last Pay Certificate is not issued in his favour.

6. Learned counsel appearing on behalf of the Respondent-State of Bihar has submitted that the Last Pay Certificate shall be issued to the petitioner once he hands over the charge of his previous post of cashier.

7. It is curious to note that the respondents are seeking a direction from this Court in their counter affidavit, to the petitioner, to comply with the direction issued by the respondent No. 5 through Memo No. 659 dated 05.12.2018 and Memo No. 09 dated 09.07.2019. It is disgusting to note that on the one hand, the respondents are making allegation of misconduct against the petitioner, there is no material to suggest that any action has ever been taken or initiated against him. The statement in the counter affidavit that this Court should issue direction to the petitioner to comply with the directions issued by the respondent No. 5 is clear testimony of his own incompetence, in the background of the fact, that no action has admittedly been initiated against the petitioner for non-compliance of any directive issued by him.



8. In the facts and circumstances of the case as noted above, considering the kind of stand which has been taken in the counter affidavit, this application is allowed with a direction to the respondent No. 5 to issue Last Pay Certificate within two weeks from today. I consider it to be a fit case which requires imposition of cost. Accordingly, it is directed that the respondents shall be required to pay a cost of Rs.10,000/- to the petitioner within the said period of two weeks.

(Chakradhari Sharan Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02/12/2019
Transmission Date	N.A.

