

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.621 of 2019

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Rajendra Prasad Saha, son of Late Jiyalal Saha, Resident of Koushalya Niketan, Gandhi Nagar, Godda, P.S. Godda, District- Godda- 814133, Jharkhand

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
2. The Director, Directorate of Agriculture, Government of Bihar, Patna.
3. The Agriculture Production Commissioner, Department of Agriculture, Government of Bihar, Patna.
4. The Deputy Secretary, Department of Agriculture, Government of Bihar, Patna.
5. The District Agriculture Officer, Lakhisarai.
6. The Sub Divisional Agriculture Officer, Lakhisarai.
7. The Accountant General (A & E) , Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Satyabir Bharti, Advocate
For the State	:	Mr.Sarvesh Kumar Singh, AAG-13
For the A.G.	:	Mr. Purushotam Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 18-06-2020 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Accountant General through virtual Court proceeding.

In the present case, the claim of the petitioner is that he has not been paid any farthing in the heading of gratuity and also he has not been received 10% of remaining pension and, at the same time, it has also been prayed that he is entitled to 3rd MACP which has not been given to the present petitioner.

Earlier the petitioner was proceeded departmentally,



but later on, his departmental proceeding has been dropped and as on today, there is no hurdle for making 100% pension and also gratuity.

From the records, it appears that the State on earlier occasion vide Memo No. 147 dated 05.11.2004 has recommended for payment of provisional pension as also gratuity amount. In the counter affidavit, the State has attached a letter dated 18.02.2019 (Annexure-R5/2) from where it appears that the State has calculated the amount of Gratuity to the tune of Rs.2,20,374/-only and has processed for sending to the Accountant General for payment of the same.

Admittedly, as on today, the petitioner is not facing any departmental proceeding. It appears from Memo No. 147 dated 05.11.2004 (Annexure-3) and letter dated 18.02.2019 (Annexure- R5/2) that there is no dues against the petitioner.

In such view of the matter, this Court directs the Accountant General, Bihar, Patna to release the gratuity amount and also release 10% of left out pension to the petitioner including the arrear of pension within a period of six weeks.

This Court further directs the State Government to consider the application of the petitioner for grant of 3rd MACP as he is claiming that he is entitled for the same and take a



decision in accordance with law within a period of eight weeks
from the date of receipt/production of a copy of this order.

With this observations and directions, this writ
application stands disposed of.

(Shivaji Pandey, J)

V.K.Pandey/-

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