

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 1646 of 2020

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Md Jakir Hussain, Son of Md Khalil, R/o-H No 159 Mohalla-Mahrajganj,
P.S.-Laheriasarai, District-Darbhangha, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar.
2. The Director Health Department, Patna, Bihar.
3. The Regional Deputy Director Health, Darbhanga, Bihar.
4. The Treasury Officer, Health, Darbhanga, Bihar.
5. The Accountant General, Birchand Patel Marg, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Sanjay Kumar Ghosarvey, Advocate
For the Respondent/s	:	Mr Binod Kumar Yadav, SC XVIII
For the Accountant General	:	Dr Anand Kumar, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 24-06-2020 As of now, the Courts have not resumed normal physical hearing. The matter, therefore, has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the respondent-State.

The petitioner has retired on 30.11.2018. He was Incharge of Workshop Office at Darbhanga in Health



Department. He submits that he has retired from service, however, his retiral dues (except Group Insurance, Unutilized Leave Salary, General Provident Fund) have not been finalized as baseless issues have been raised regarding his not handing over the charge.

In this regard, petitioner has approached Respondent No 2 with a request that the issue be sorted out. Petitioner's counsel further submits that he has also requested the Authorities to reconcile the material which the petitioner has handed over, with the stock existing on that day so as to ascertain that the charge was well accounted for and handed over. In this regard, he submits that he made a request to Respondent No 3 on 25.10.2019 (Annexure 5 series). No action has been taken thereon resulting in the petitioner's continued deprivation of his retiral dues.

Since the issue has to be examined by Respondent No 3, pendency of the instant writ proceedings would be futile.

Let Respondent No 3 take a decision in this regard within four weeks from the date of receipt/production of a copy of this order, by a reasoned and speaking order under due intimation to the petitioner.

The petitioner should serve a copy of this order within



two weeks along with his request for disposal of the earlier application which should be before Respondent No 3.

Writ petition stands disposed of.

If Respondent No 3 finds that the charge has been duly handed over and there is no outstanding against the petitioner in respect of his charge, the due and admissible amount of retiral dues (except Group Insurance, Unutilized Leave Salary and General Provident Fund) be sanctioned and paid expeditiously and preferably within eight weeks thereafter.

(Madhuresh Prasad, J)

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