

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2170 of 2019

Along with

Interlocutory Application No.01 of 2019

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Dineshwar Prasad, aged 68 years (M), S/o late Nitya Nand Singh, R/o Village
and P.O.-Achhua, P.S.- Dulhin Bazar, Dist.-Patna(Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna
2. Principal Secretary, Health Department, Bihar, Patna
3. Director in Chief, State Health Society, Bihar, Patna
4. Civil Surgeon cum Chief Medical Officer, Rohtas, Sasaram
5. Medical Officer, I/c Primary Health Centre, Kargahar, Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate
For the Respondent/s : Mr. S. D. Yadav, AAG 9
For State Health Society : Mr. Kishore Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 26-06-2020

The matter has been heard *via* video conferencing due
to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Ajit Kumar, learned counsel for the
petitioner, Mr. S D Yadav, learned AAG 9 for the State and Mr.
Kishore Kumar Sinha, learned counsel for the respondent no. 3.

3. Pursuant to the order dated 07.02.2019, a counter
affidavit has been filed on behalf of the authorities in which it
has been stated that the GPF, GIC and leave encashment dues
have been paid, but with regard to pension and gratuity, the
petitioner being the custodian of the record, his service book



could not be located and despite request when he did not co-operate, the authorities have reconstructed the service book and the same was sent to the Accountant General. However, the Accountant General has returned it observing that it has to be counter signed by the petitioner. Learned counsel submitted that the petitioner has been sent repeated reminders to come and sign the duplicate service book, but he has still not turned up. It was further submitted that with regard to any other claim, the petitioner not having handed over full charge after superannuation, unless the same is done, eligibility of the petitioner cannot be worked out or finally settled. Learned counsel further submitted that he continued to occupy the official residence for many years even after superannuation.

4. Learned counsel for the petitioner submitted that he had already handed over the charge at the time of his superannuation. However, from the pleadings, the Court finds that neither any averment to such effect has been made nor any material is on the record to even indicate that the petitioner has handed over complete charge at the time of his superannuation.

5. Having regard to the aforesaid, the Court does not find any occasion to keep the matter pending. Accordingly, the writ petition stands disposed off with a direction to the



petitioner to appear before the respondent no. 4 within two weeks from today and sign the service book, which the department has reconstructed. Upon doing so, the respondent no. 4 shall transmit the same to the Accountant General, Bihar, within one week from the petitioner signing on the service book. The Accountant General shall thereafter issue necessary authority slip(s) with regard to pension and gratuity, in accordance with law.

6. As far as the claim of the petitioner with regard to the remaining salary of the period under suspension, the petitioner is at liberty to file a detailed representation before the respondent no. 4 bringing on record materials to show that he had handed over full charge of the post. The respondent no. 4 shall pass a detailed and reasoned order on such representation filed by the petitioner. He would also take into consideration the conduct and consequences of the petitioner having retained his official quarter far beyond the period for which he was entitled and then a decision shall be taken with regard to payment of the remaining dues to the petitioner, if any. Such order shall be passed by the respondent no.4 within four months from the date of filing of the representation by the petitioner, provided the petitioner files the same within three weeks from today. The



respondent no. 4 shall keep in mind the relevant rules relating to handing over of charge and also retaining of government quarter by an employee, who has superannuated from the service.

7. As the writ petition itself is being disposed off, no order is required to be passed on Interlocutory Application with No.01 of 2019, which was for impleading the Accountant General, Bihar, in the present proceeding. Accordingly, the same stands disposed off.

(Ahsanuddin Amanullah, J)

J. Alam/-

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