

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18943 of 2018

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Puneshwar Rajak Son of Late Rameshwar Rajak, Resident of Village Bela Bagan, Durga Bari Road No.2, Police Station- Deoghar, District- Deoghar, Jharkhand.

... .. Petitioner

Versus

1. The State Of Bihar through the Secretary, Rural Works Department, Vishwesharaiya Bhawan, Bailey Road, Patna
2. The Principal Secretary, Finance Department, Old Secretariat, Police Station Sachivalaya, District- Patna
3. The Deputy Secretary, Rural Works Department, Vishwesharaiya Bhawan, Bailey Road, Patna.
4. The Deputy Secretary, Personnel Claim and Determination Cell, Finance Department, Old Secretariat, Patna
5. The Accountant General (Accounts and Entitlement), Bihar, Birchand Patel Path, Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr.Rupak Kumar, Advocate
For the Respondents	:	Mr.Ajay -GA5
For Accountant General :		Mr. R.K. Priyadarshi, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 08-06-2020 Heard learned counsel appearing on behalf of the petitioner; learned counsel appearing on behalf of the State as well as learned counsel appearing on behalf of the Accountant General.

The petitioner has approached this Court for issuance of writ in the nature of mandamus directing the respondents to pay full pension, full gratuity and leave encashment for 300 days to the petitioner with statutory and penal interest.



In the present case, a counter affidavit has been filed on behalf of respondent nos. 1 and 3. Paragraphs 4 to 8 of the counter affidavit are reproduced hereinbelow for ready reference:-

“4. That, at the very outset it is very humbly submitted on behalf of the present respondent that the petitioner has already been sanctioned 90% provisional pension vide letter no. 9615 dated 11.08.2017 and 90% Provisional Gratuity vide letter No. 11507 dated 19.11.2018.

5. That, it is respectfully and humbly submitted that so far as the payment of the amount of GPF is concerned, it is very humbly submitted that vide letter No. 8217 dated 14.07.2017 the sanctioned for withdrawal of GPF amount (BTC-56) has also been sent to the District Provident Fund Officer, Chapra Saran for making authorization of the GPF amount of the petitioner.

6. That, it is respectfully and humbly submitted that so far as the payment of remaining post-retiral benefit to the petitioner is concerned it is very humbly submitted on behalf of the present respondent that a departmental proceeding is pending against the petitioner for irregularity in construction of the road during his posting as Assistant Engineer work Division-Dhaka.

7. That, it is stated that in the facts and circumstances stated hereinabove it is very humbly submitted that as son (sic) the Departmental Proceeding would be completed against the petitioner the remaining post-retiral benefit of the petitioner shall be sanctioned subject to the final decision of the Departmental Proceeding pending against the petitioner.

8. That, in view of fact and circumstances detailed in preceding paragraph it is respectfully submitted that the instant writ application has merit and the same is fit to be dismissed.”



Learned counsel for the State submits that the counter affidavit has been filed in the month of July, 2019 and he proposes to bring latest factual position on record.

This Court is not inclined to adjourn the matter further as petitioner retired on 31.01.2017.

Accordingly, the writ petition is disposed of with direction to the respondents to conclude the enquiry as indicated in paragraph 6 and 7 of the counter affidavit within six weeks and if the enquiry is not concluded within six weeks, then the respondent shall be restrained from proceeding any further in the enquiry. Notwithstanding the pending enquiry the respondents are required to ensure payment of admitted post retiral dues within the period of six weeks, failing which the post retiral dues will carry 9% interest.

With the aforesaid, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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