

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20272 of 2018

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Md. Salim Shah Son of Late Md. Kitabali Shah, Resident of mohalla-
Aliganj Road No. 20, P.S.- Chandauti, District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Bihar, Patna
2. Principal Secretary, Water Resources Department, Bihar, Patna.
3. Chief Engineer, Irrigation Creation, Water Resources Department, Gaya.
4. Superintending Engineer, North Koel Canal Circle, Gaya.
5. Executive Engineer, North Koel Canal Division, Gaya.
6. Accountant General, Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Harshvardhan Shivsundram, Advocate
For the State : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 24-08-2020

Heard learned counsel for the petitioner and learned
counsel for the State through video conference.

2. The present writ petition has been filed *“for issuance of appropriate direction, order or writ in the nature of Mandamus commanding the respondents to make payment of post retirement benefits of the petitioner such as pension, gratuity, leave encashment, G.P.F. and Group Insurance amount”*.

3. Learned counsel for the petitioner submits that the petitioner was appointed as Chowkidar and superannuated as such on 30.06.2017 while posted in North Koel Canal Division, Gaya.



During such service, Chandauti P.S. Case No. 153 of 1996 was registered for the offences punishable under Sections 302/34 of the Indian Penal Code and the petitioner was convicted in terms of judgment dated 17.04.2001 passed by the learned 7th Additional Sessions Judge, Gaya in Sessions Trial No. 327 of 1999 and sentenced to undergo life imprisonment and payment of fine of Rs. 1,000/-. Against the said conviction and sentence, Criminal Appeal No. 221 of 2001 was filed by the petitioner which is still pending. In the meantime, the petitioner was allowed to superannuate on 30.06.2017. It is therefore submitted that no departmental proceedings having been initiated against the petitioner, he is entitled to the retirement benefits which have arbitrarily been withheld. A representation dated 18.04.2018 was filed before the Executive Engineer, North Koel Canal Division, Gaya which however remains pending.

4. Having regard to the nature of grievance of the petitioner, this Court is of the view that without going into the detailed merits of the matter, it will suffice at this stage if the petitioner is granted liberty to approach the Chief Engineer, Irrigation Creation, Water Resources Department, Gaya (Respondent No. 3) with a fresh representation for redressal of his grievances, furnishing therewith his mobile number and e-mail ID. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of on its own



merits in accordance with law after grant of an opportunity of hearing to the petitioner ensuring payment to the extent found due to the petitioner, within a period of eight weeks from the date of receiving the petitioner’s representation. In case the petitioner’s claim is found inadmissible, whether in whole or in part, the petitioner’s representation shall be disposed of by a speaking order in that regard.

5. It is also made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through email and that the concerned authority shall be at liberty to hear the petitioner through video conference.

6. The writ petition stands disposed of with the aforesaid directions.

(Vikash Jain, J)

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AFR/NAFR	NAFR
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