

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2028 of 2019

Pradip Kumar Rai, aged about 63 years, Male, Son of Banke Bihari Rai,
Resident of Village- Bare Pati, P.S- Jadopur District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj, Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The District Panchayati Raj Officer, Gopalganj.
4. The Block Development Officer, Barauli, District-Gopalganj.
5. The Block Development Officer, Kuchaikote, District-Gopalganj.
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Srivastava, Advocate
For the State	:	Mr. Ajay, GA 5
For the Accountant General	:	Mr. Ram Kinker Choubey, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 25-06-2020

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

2. Heard Mr. Ranjan Kumar Srivastava, learned counsel for the petitioner; Mr. Ajay, learned GA 5 for the State and Mr. Ram Kinker Choubey, learned counsel for the Accountant General, Bihar.

3. The petitioner has moved the Court for the following reliefs:



“(i) To issue an appropriate writ/writs, order/orders, direction/directions in the nature of mandamus for commanding/directing the respondents to grant retirement benefits along with statutory interest to the petitioner as the petitioner retired from service on 29.02.2016 as Panchayat Sevak, Block-Barauli, District- Gopalganj but up till now pension, gratuity, leave encashment etc., benefit of ACPS has not been paid. Petitioner filed several representations before the respondents on 01.07.2016, 14.07.2017, 12.09.2017, 17.03.2018, 23.10.2018 but up till now his retiral benefits has not been paid by the respondents.

(ii) For any other relief/reliefs for which the petitioner is found entitled in the facts and circumstances of the case.”

4. Learned counsel for the petitioner submitted that he has filed a rejoinder to the counter affidavit bringing on record the order passed by the Commissioner, Saran Division by which the punishment awarded in the departmental proceeding has been modified. It was submitted that the authorities be directed to now make payment in terms of the modified order of the Commissioner and further, that even on the payments earlier made, statutory interest has not been fully paid.

5. Learned counsel for the State submitted that in the counter affidavit filed by them, they have made a categorical statement, annexing relevant documents, that all admissible dues of the petitioner, prior to the order passed by the Commissioner, which was subsequent to even filing of the counter affidavit, have been paid to him. However, he fairly submitted that once the



Commissioner has modified the punishment order, the authorities are now required to make payment in terms of such modified order of the Commissioner. It was submitted that the writ petition be disposed off fixing a time period for making such payment. However, he submitted that the Court may grant a longer period in view of the current prevailing situation.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the writ petition stands disposed off with a direction to the District Magistrate, Gopalganj (respondent no. 2) to ensure that the revised payments, in terms of the order of the Commissioner, Saran Division dated 15.11.2019, are paid to the petitioner after making fresh calculation with regard to the differences, within three months from the date of production of a copy of this order before him. It would also be examined by the District Magistrate, Gopalganj with regard to whether the admissible statutory interest on payments already made to the petitioner have been made. If it transpires that under any head, the statutory interest admissible has remained unpaid or has been paid less, the same shall also be paid to the petitioner within the same period.

7. On the apprehension of learned counsel for the petitioner with regard to only provisional pension being paid,



learned counsel for the State submitted that it was only on account of the pending proceeding against the petitioner, but now, once matters have attained finality by the Commissioner passing orders, final pension, in accordance with law, shall be fixed and paid.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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