

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16260 of 2017

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Bhubneshwar Prasad Shrivastava S/o Late Ramlakhan Prasad, Resident of
Village- Damodarpur, P.S.- Malahi, Distt.- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department,
Government, Bihar.
2. The Director in Chief Health Services Government of Bihar.
3. The Civil Surgeon, East Champaran of Motihari.
4. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Upadhyay
For the Respondent/s : Mr.Birju Prasad - GP-13

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 27-05-2020 Heard learned counsel for the petitioner and counsel
for the State as also counsel for the Accountant General.

In this case, the petitioner has made a prayer for giving direction to fix and pay the retiral benefits to the petitioner such as pension gratuity, leave encashment, group insurance, provident fund amount, arrears of salaries, increments and other consequential benefits along with interest at the rate of 12% per annum on delayed payment.

Learned counsel for the petitioner submits that during pendency of this writ application, the petitioner has been paid Rs. 7,80,000/- and, in the departmental proceeding, a punishment has been awarded against the petitioner, thereby, the



pension and gratuity has been forfeited.

In view of the statement made at Bar that the petitioner has been paid Rs. 7,80,000/-, it is not known to this Court under what heading this payment has been made. In view of the fact that the order of punishment has been passed, thereby the pension and gratuity has been forfeited, therefore, so long as the order of punishment is standing against the petitioner, he will not be entitled to any money under that head.

With regard to payment on other head is concerned, as the petitioner has already been given Rs. 7,80,000/-, this Court gives a direction to the petitioner to file a proper representation to the appropriate authority within a period of two months from today and if the authority finds anything left for payment to the petitioner, the same should be paid to him without any delay preferably within a period of three months from the date of filing of such representation along with a copy of this order.

With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

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