

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7950 of 2020

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Dr. Parmanand Chaudhary Son of Ram Kishore Chaudhary Resident of Ward
No. 4, Gaura, P.S.- Teghra, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Health Department,
Government of Bihar, Patna.
2. The Joint Secretary, Health Department, Government of Bihar, Patna.
3. The District Magistrate Nalanda.
4. The Civil Surgeon- Cum- Chief Medical Officer Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Karn Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Mr.S.D.Yadav, AAG-7

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 11-11-2020 Heard learned counsel for the parties.

2. The petitioner has been compulsorily retired from service invoking Rule 74(k) of the Bihar Service Code. The order does not appear to be stigmatic. The petitioner has challenged the said notification dated 10.12.2019 in the present writ application and at the same time has also sought for payment of all retiral dues.

3. Learned counsel appearing on behalf of the petitioner has submitted that if the notification retiring the petitioner compulsorily, invoking Rule 74(k) of the Bihar Service Code is treated to be non-stigmatic, the petitioner shall



not be pressing the relief for quashing of the said notification.

4. Learned counsel for the petitioner in such circumstance, has pressed the relief only to the extent the same relates to payment of his post retiral dues.

5. A counter affidavit has been filed on behalf of the State of Bihar. It has been stated that the Joint Secretary, Health Department, Government of Bihar *vide* his letter No.835(3) dated 28.10.2020 has directed the Civil Surgeon, Begusarai to immediately issue necessary sanction order for making payment of final withdrawal of GPF, group insurance and due salary. It has further been stated that the Civil Surgeon-cum-Chief Medical Officer, Begusarai, in turn, has informed that the group insurance amount and arrears of salary have been paid to the petitioner. It has also been stated that steps have been taken for withdrawal of the GPF amount. There is statement in paragraph 12 of the application that pension, gratuity and leave encashment have already been sanctioned by the Department and communicated to the Accountant General, Bihar, for issuance of payment orders.

6. It has further been stated that payment against unutilized earned leave equivalent to 300 days has already been sanctioned by the State Government.



7. Considering the aforesaid circumstances, the respondents are directed to ensure that all legally admissible dues to the petitioner are paid within three months from the date of receipt/production of a copy of this order.

8. It is indicated, in the light of the counter affidavit filed on behalf of the State of Bihar that the Accountant General, Bihar shall ensure expeditious issuance of the authority slips for payment of post retiral dues.

9. This disposes of the application.

(Chakradhari Sharan Singh, J)

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