

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6907 of 2020

Dr. Vishnu Kant Pandey son of Rameshwar Pandey resident of Budha Colony,
Main Road, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Special Secretary, Department of Health, Government of Bihar, Patna.
4. Additional Secretary, Department of Health, Government of Bihar.
5. The Principal, Patna Medical College and Hospital, Patna.
6. The Prof. cum- Head of the Department, Department of Surgery, Patna Medical College and Hospital, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kunal Tiwary
For the Respondent/s : Mr.S.D.Yadav, AAG-9

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 08-09-2020 Heard Mr. Kunal Tiwary, learned counsel for the
petitioner Mr. S.D.Yadav Additional Advocate General No. 9,
for the State.

This writ petition has been filed by the petitioner for
the following reliefs:-

- (i) That the instant writ application is being filed for
issuance of writ/writs, order/orders,
direction/directions in the nature of Mandamus
directing and commanding the respondent authorities
for the payment of the retiral dues/benefits of the
petitioner including GPF, GLI, Pension, Gratuity,
Leave Encashment etc. as well as salary and arrears



thereof.

(ii) For issuance of a direction upon the authorities concerned to fix the pension of the petitioner and thereafter make the payment of the same as the petitioner has been granted VRS vide order dated 31.05.2019.

(iii) For issuance of writ in the nature of mandamus directing and commanding the respondent authorities for making the payment of all the retiral benefits of the petitioner including the arrears of salary and pension thereto along with permissible statutory interest.

(iv) For any other relief/reliefs for which the petitioner is entitled to.

On behalf of the State a counter affidavit has been filed, in paras 6 and 7 of which following statements have been made:-

“6. That at the outset, it is humbly submitted that the answering respondent has taken all possible sincere steps for redressal of retiral dues of the petitioner and the following steps have been taken in this regard.

(A) After submission of pension paper by the petitioner on 23.06.2020, the answering respondent vide his letter No. 4123 dated 19.8.2020 forwarded the same to the Additional Secretary, Health Department, Govt.



of Bihar alongwith his pension paper for taking necessary further action in this regard.

(B) Principal, PMCH Patna vide office order No. 3393 dated 10.07.2020 had already issued sanction order for making payment of group insurance amounting to Rs. 180720/- and the same had already been made to the petitioner.

(C) The request letter of the petitioner dated 15.06.2020 for final withdrawal of GPF amount was also forwarded by the Principal, PMCH Patna on 24.06.2020 to the General Provident Fund Officer, Patna for taking necessary action.

7. That apart from above, it is humbly submitted that as per information gathered from the Department recently vide Departmental letter No. 730(17) dated 28.08.2020 has issued necessary sanction order for making payment of admissible pension/gratuity and commutation value of pension of the petitioner. Thereafter, vide Health Department's letter No. 741(17) dated 31.08.2020 the necessary sanction order has also been issued by the Health Department, Bihar for making payment of petitioner's admissible unutilized earned leave amount



equivalent to 300 days.”

Learned counsel for the petitioner submits that the respondents have only issued sanction order but actual payment has not reach the petitioner.

Learned counsel appearing on behalf of the Accountant General submits that the office of the Accountant General has completed all the formalities and issued PPO in favour of the petitioner.

Considering the stand taken in the counter affidavit, the writ petition is disposed of with direction to the respondents to ensure payment of all retiral dues with detailed calculation chart to the petitioner at the earliest preferably within a period of three months from the date of receipt/production of a copy of this order.

In the event the respondents fail to pay the dues of the petitioner within the aforesaid time frame, the petitioner shall be entitled to 9% interest from the date of acceptance of voluntary retirement till the date of actual payment.

(Anil Kumar Upadhyay, J)

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