

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7159 of 2020

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Tridev Singh, Son of Gupteshwar Singh Resident of Indira Nagar, Road No. 4, Behind Shiv Parvati Community Hall, P.O.- G.P.O., P.S.- Jakkanpur, Town and District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, New Secretariat, Patna.
2. The Special Secretary, Health Department, Govt. of Bihar, New Secretariat, Patna.
3. Bihar State Aayurvedic and Unani Medical Council through its Chairman, Hanuman Nagar, Patna.
4. The Registrar, Bihar State Aayurvedic and Unani Medical Council, Hanuman Nagar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh, Advocate
For the Respondent/s : Mr.AC to AG

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-08-2020 Heard learned counsel for the petitioner. No one appears on behalf of the State and other respondents.

The petitioner has filed the present writ application for a direction to the respondents to make payment of Pre and Post retiral dues i.e. Pension, gratuity, earned leave with other admissible dues.

Earlier the petitioner approached this Court for such relief in C.W.J.C. No.7815 of 2018. The writ petition was dismissed for default. Thereafter, the petitioner filed M.J.C. No. 37 of 2019 for restoration of the writ petition. The petition for



restoration of writ petition was dismissed on 30.06.2020 with liberty to the petitioner to file fresh petition and the petitioner has filed the present writ petition.

Counsel for the petitioner with reference to the correspondence of the Registrar, Bihar State Ayurvedic and Unani Medical Council submits that the claim of the petitioner has been admitted, but the same was not paid to the petitioner on account of paucity of fund and the petitioner was made to understand that as and when the fund is made available, the same will be paid to the petitioner.

The petitioner superannuated in 2017, the Pre and Post retiral dues has not been settled as yet.

There is no assistance from the respondents notwithstanding the fact that the name of the Advocate General appears in the cause list.

Under the aforesaid circumstances, the Court is constrained to dispose of the writ application with a direction to the Special Director, Health Department, Government of Bihar to appropriately decide the claim of the petitioner for grant of Pre and Post retiral dues and if it is found that the petitioner is entitled to payment of Pre and Post retiral dues, the same should be paid without unnecessary delay preferably within a period of



four months from the date of receipt/production of a copy of this order.

In the event, any of the dues of the petitioner is inadmissible, the Special Director, Health Department, Government of Bihar is required to assign reason within the aforesaid time.

If the admitted dues is not paid within the time indicated above, the petitioner will be entitled to interest at the rate of 9% per annum from the date of filing of the present writ petition i.e. 07.07.2020 till the date of actual payment.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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