

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9354 of 2019

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Abhay Kumar Pandey aged about 70 yerrs (Male) Son of late Nokhe Lal Pandey, Resident of Village- Baijani, P.S. Jagdishpur, District- Bhagalpur, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through Secretary to the Government of Building Construction Department, Bihar Vishwashraiya Bhawan, Bailey Road, Patna.
2. The Engineer-in-Chief, Bihar Building Construction Department, Bihar Vishwashraiya Bhawan, Bailey Road, Patna.
3. The Chief Engineer Building Construction Department North Bihar, Patna.
4. The Superintending Engineer, Building Construction Department Bettiah (West Champaran).
5. The Executive Engineer, Building Construction Division, Bettiah, P.S. Bettiah, District- West Champaran.
6. The Assistant Engineer, Building Sub-Division Bagaha, District- West Champaran.
7. The District Magistrate, Bettiah, West Champaran.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr.Prithvi Nath Mishra, Advocate
For the Respondents	:	None

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 26-08-2020 Heard learned counsel appearing on behalf of the petitioner. No one appears on behalf of the State to assist in this case.

The petitioner has prayed for the following reliefs:-

“(A) For issuance of an appropriate writ or Direction Commanding the respondent to give an retirement benefits to the petitioner with interest thereon.

(B) For commanding the respondents to



clear of all dues of salary after adding the entire increment to the petitioner with interest thereon.

© For Commanding the respondents to clear of all dues including gratuity, leave salary and other admissible dues.

(D) For given the direction to the respondents for fixed the pension of the petitioner and after fixed the pension given to the petitioner.

(E) For granting any other relief or reliefs as your lordships may deem fit and proper to the petitioner.”

On behalf of the respondents a counter affidavit has been filed. In paragraph 18 of the counter affidavit, the following stand has been taken which is quoted hereinbelow:-

“18. That it is stated that the Hon’ble Court may be pleased to grant some time, i.e. , about twelve (12) weeks so that the records may be looked into and appropriate steps could be taken to resolve petitioner’s grievance wherein his co-operation is also needed.”

The counter affidavit was filed on behalf of the respondents on 24.06.2019 but more than one year has passed, the respondents have not responded to this Court.

The petitioner superannuated on 31.08.2008 but no payment of salary from 1985 including retiral benefits has been made on account of non-availability of ‘no dues certificate, LPC and the service book.

The materials on record would indicate that there is dispute as to the advance of Rs.10,34,700/-which has been utilized. The petitioner has filed certain documents to indicate



that he has done the departmental work of Rs. 5,16,232/- out of Rs. 10,34,700/-. The statement in the counter affidavit as to authenticity of the claim of the petitioner would indicate that the petitioner was also not paid salary for long time and the period of salary claims to have been adjusted towards advance amount paid to the petitioner. In the counter affidavit it has been stated that the deducted amount of salary of Rs. 2,33,941/- from the period of 6th April, 2006 to August, 2008 which was adjusted and the remaining amount is still to be recovered from the petitioner.

Noticing the totality of the fact situation, the Court is constrained to dispose of the writ petition with direction to the Executive Engineer, Building Construction Division, Bettiah, P.S. Bettiah, District West Champaran (respondent no.5) to ensure payment of the entire admitted dues of the petitioner including due salary as well as pension gratuity and leave encashment etc. in one stroke along with a detailed calculation chart at the earliest and preferable within a maximum period of sixty days from the date of receipt/production of a copy of this order failing which the entire arrears will carry interest at the rate of 9 % per annum from the date of filing of the writ petition i.e. 24.04.2019 till the date of actual payment which shall be



borne by the respondents from their own pocket.

With the aforesaid, the present writ petition stands
disposed of.

(Anil Kumar Upadhyay, J)

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