

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10212 of 2019

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Jagdish Jha Son of Late Bujhwan Jha Resident of Mohalla Lakhan Sarai,
Police Station Lalganj, District- Vaishali, retired Driver, Bihar Rajya Jal
Parishad, Patna. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Bihar Shahari Adharbhut Sanrachana Vikas Nigam Limited Patna, West Boring Canal Road, Patna through its Managing Director.
3. The Managing Director The Bihar Shahari Adharbhut Sanrachana Vikas Nigam Limited, Patna, West Boring Canal Road, Patna.
4. Bihar State Water Board West Canal Road, Patna through its Managing Director.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sharma
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 07-07-2020 Heard learned counsel for the parties.

Petitioner has filed the present application for the
following relief:-

I. For payment of all the retirement dues, gratuity,
leave encashment, arrears of assured career progression scheme
considering the fact that petitioner has retired on 31.12.2011 as
driver, working in the office of Bihar State Water Board, Patna.

II. For declaring the decision of the then Bihar State
Water Board which was communicated to the petitioner under
Right to Information Act vide Letter No. 2090 dated 25.10.2018
contained in Annexure-17 to adjust Rs. 10,81,683/- against
retiral dues the period the petitioner has worked more i.e. 4



years and 7 months.

III. For payment of benefit of assured career progression scheme after calculating arrears of assured career progression scheme which will come more than Rs. 6 lacs in favour of the petitioner.

IV. For a direction to the respondents to make payment of gratuity of Rs. 3,79,791/-, leave encashment of Rs. 91,180/- forthwith considering the petitioner has been paid Central Provident Fund and group insurance scheme only after retirement.

V. For a direction to the respondents to make payment of retiral dues with interest at the rate of 12%.

VI. For necessary direction to the respondents as the petitioner is found entitled in the eye of law and in the facts and circumstances of the case.

Learned counsel appearing on behalf of the respondents by way of supplementary counter affidavit would submit that the petitioner on the basis of forged matriculation certificate continued in job for more than four years. His actual date of birth is 14.5.1947 but on the basis of wrong date of birth certificate i.e. 1.1.1952 continued in job and drew salary amounting to Rs. 1081683/-



Mr. Dinu Kumar submits that criminal case is pending with regard to use of forged certificate at the same time certificate case no. 1 of 2019 is also pending before the Certificate Officer, Patna.

Under the aforesaid circumstanes, the writ petition is disposed of with a direction to the respondents to take steps for early disposal of the certificate case pending before the Certificate Officer, Patna.

It is needless to say that the objection filed by the petitioner under section 9 of the Bihar Orissa Public Recovery Act shall be disposed of by the Certificate Officer, Patna, if not already disposed of at the earliest, preferably within a period of two months from the date of receipt/production of a copy of this order.

The decision in certificate case will govern the post retiral dues claimed by the petitioner.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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