

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17418 of 2018

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Rabindra Kumar Sinha, son of late Ram Krishna Prasad Sinha, resident of Flat No. 204, Home Ananda Apartment, Anandpuri, P.S. S.K.Puri, District Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Road Construction Department, Bihar, Patna.
3. The Principal Secretary, Rural Works Department, Bihar, Patna.
4. The Executive Engineer, Works Division, Rural Works Department, Madhubani.
5. The Principal Secretary, Department of Finance, Bihar, Patna.
6. The Officer-in-Charge, Personal, Claim and Fixation Cell, Department of Finance, Bihar, Patna, Anexi Block (Ground)Old Secretariat, Patna-15.
7. The Director, Provident Fund Indira Bhawan, Patna.
8. The District Provident Officer, Madhubani.
9. The Accountant General of Bihar, Birchand Patel Path, Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Prabhu Nath Pathak, Advocate.
For the State : Mr. Ram Kinker Choubey, A.C. to S.C. 20.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 08-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsels for the parties.

The following reliefs have been sought for on behalf of the petitioner in the present writ application.

“In the nature of writ of mandamus for directing the respondents to pay retiral



benefits such as Pension, Gratuity, Leave Encashment of 300 days, Group Insurance and Provident Fund with statutory interest and penal interest and salary for the period for the month of September, 2015 and October, 2015 since, the petitioner retired from service as Assistant Engineer on 31.10.2015 abut nothing has been paid towards the aforesaid retiral benefit and even authority slip for Rs. 1093417/- against Provident Fund has already been issued by the District Provident Fund Officer, Madhubani but the same has been withheld by the Executive Engineer, Works Division, Rural Works Department, Madhubani, without rhyme and reason which is not only punitive in nature but does constitute Criminal Breach of Trust and the salary for the month of September and October,2015 has not been paid to he petitioner.

No departmental proceeding or a criminal case is pending against the petitioner and, thus, depriving from payment of retirement benefit and the salary for the month of September and October 2015 to the petitioner is not only illegal but is violation to the Article 300(A) of the Constitution of India.”

On behalf of the petitioner, it has been submitted that the grievance of the petitioner has already been redressed by the respondents during the pendency of this writ application. The submission made by learned counsel for the petitioner is supported by learned counsel for the respondents. Hence, no order is required to be passed in the present writ application.

Considering the same, the present writ application



stands disposed of, in light of the submissions made on behalf of
the parties.

(Sudhir Singh, J)

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