

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8957 of 2018

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Basistha Ram Son of Late Ramchij Ram, resident of Village- Sawna, P.S.-
Itarhi, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary General Administration Govt. of Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate-cum-Collector, Buxar.
5. The Sub-Divisional Officer, Itarhi District- Buxar.
6. The B.D.O. Block Itarhi P.S. and Anchal Itarhi District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar
For the Respondent/s : Mr.Sheo Shankar Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 17-09-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed for payment of the retiral benefits of the petitioner herein as also arrears on account of six PRC.

The learned counsel for the respondent-State by referring to the counter affidavit filed on behalf of the respondent nos. 4 to 6 has submitted that all the retiral dues of the petitioner has stood paid, as is apparent from paragraph-5 of the said counter



affidavit, which is reproduced herein below:-

“5. That in this respect it is to be submitted and stated that the petitioner has been given the following retiral benefits:-

- a. The benefit of general provident fund amounting Rs. 2,14,620 (Two Lakh Fourteen Thousand Six Hundred Twenty Rupees)*
- b. Provisional gratuity amounting Rs. 302280/- (Three lakh Two Thousand Two Hundred Eighty).*
- c. Leave Encashment amounting Rs. 2,29,000/- (Two lakh twenty nine thousand).*
- d. Compulsory group insurance amounting Rs. 95,784/- (Rupees Ninety Five Thousand Seven Hundred Eighty Four).*
- e. The provisional pension which was stopped has been continued with payment of arrear provisional pension of the period which had been stopped.”*

It is apparent from the counter affidavit filed by the respondent State that though most of the retiral benefits have been paid to the petitioner herein, however, only provisional gratuity and provisional pension has been paid, thus the final gratuity and final pension payment order is required to be issued for which this Court grants the respondents six weeks' time and in case the final pension and gratuity are not fixed as also the monetary benefit thereof is not paid to the petitioner within a period of six weeks from today, the District Magistrate, Buxar



as also the Sub-Divisional Officer, Itarhi, District-Buxar shall not draw their salary. It is further directed that in case any arrears of pay on account of six PRC is due for payment, the same shall also be paid within the aforesaid time frame.

The writ petition stands disposed off on the aforesaid terms.

Let a copy of this order be sent by the Registry of this Court to the District Magistrate, Buxar forthwith for necessary compliance.

(Mohit Kumar Shah, J)

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