

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13047 of 2019

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Kishori Prasad Mehta Son of late Bundi Mehta, Resident of Village- Narora,
P.O. Narora, P.S. Nawada, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Health and Family Welfare Department,
Government of Bihar, Patna.
3. The Regional Deputy Director, Health Services, Magadh Division, Gaya.
4. The Civil Surgeon Cum Chief Medical Officer, Nawada.
5. The Additional Chief Medical Officer, Nawada.
6. Medical Officer In Charge, District Leprosy Eradication Officer, District
Leprosy Eradication Office, Nawada.
7. The Accountant General , A and E Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shrawan Kumar Saraf, Adv & Ms. Roona, Adv
For the Respondent/s	:	Mr.Ajay Bihari Sinha (GA8)
For the A.G.	:	Mr. Binod Kumar Labh, Adv

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 15-06-2020

Heard learned counsel for the parties.

This writ application has been filed by the petitioner for
payment of pension, gratuity, leave salary and other post-retiral
benefits with interest on delayed payment.

Petitioner was appointed as a class-III employee in the
Health Department and after serving at different places, he
superannuated on 30.11.2013 from the Office of District
Leprosy Eradication Officer, Nawada and prior to his retirement
he had submitted his pension paper in advance to pension



sanction authority, however, in spite of several representations before the respondent authorities pension and other retiral dues was not paid.

It has been admitted by the petitioner that a criminal proceeding is pending against him in which he is on bail. A departmental proceeding was also contemplated against him, however, in the meantime he retired from service. Learned counsel for the petitioner relies upon a judgment of Apex Court in the case of **State of Jharkhand & Ors vs. Jitendra Kumar Srivastava & Ors** since reported in (2013) 12 SCC 210, according to which even during pendency of criminal case or departmental proceeding a retired employee is entitled for 100% provisional pension/pension.

A counter affidavit has been filed by Civil Surgeon cum C.M.O. Jehanabad, in which it has been stated that deponent has instructed the Additional Chief Medical Officer, Nawada, to proceed and make the payment.

The writ petition is disposed of with a direction to the petitioner to file a detailed representation before the Additional Chief Medical Officer, Nawada indicating itemwise retiral dues yet to be paid to him and such representation to be considered by the Additional Chief Medical Officer, Nawada, within three



months from the date of filing of such representation and admitted retiral dues to be paid within two months thereafter.

With the aforesaid direction, this writ petition is disposed of.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.06.2020.
Transmission Date	NA

