

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15976 of 2017

Abhay Kumar Mishra Son of Late Basudeo Mishra, Resident of Village-Jakkarpur, P.S.-Surajgarha, District-Lakhisarai

... .. Petitioner

Versus

1. The State Of Bihar
2. The Secretary, Road Construction Department, Bihar, Patna.
3. The Engineer-in-Chief- cum -Additional-Commissioner- cum - Special Secretary, Road Construction Department, Bihar, Patna
4. The Chief Engineer, Advance Planning, Wing, Road Construction Department, Bihar, Patna.
5. The Director, Provident Fund, Pant Bhawan, Bailey Road, Patna,
6. The Accountant General Bihar. Birchand Patel Path, Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Prabhu Nath Pathak, Advocate
For the Respondents	:	Mr. U.S.S.Singh - GP19
For Accountant General	:	Mr. Uday Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 22-05-2020 Heard Mr. P.N. Pathak, learned counsel appearing on behalf of the petitioner, learned counsel appearing on behalf of the State and learned counsel appearing on behalf of the Accountant General.

The present writ application has been filed by the petitioner for the following reliefs:-

“(i) For issuance of writ in the nature of mandamus commanding the respondent authorities to make the following retiral benefits to the Petitioner as the Petitioner retired on 31-12-2016 from the post of Upper Division Clerk from the office of the Chief Engineer, (Advance Planning Wing), Road



Construction Department, Bihar, Patna:-

(a) Pension and Gratuity,

(b) Provident Fund,

(c) Leave Encashment,

(d) Group Insurance,

(e) Commutation,

(ii) For any other direction as your Lordships may deem fit and proper in the facts and circumstances of the case.”

Respondents have filed counter affidavit wherein they have stated that payments of post retiral dues have been made to the petitioner.

Learned counsel appearing on behalf of the petitioner admits that payments have been made made and only grievance now remains to be redressed to the extent of non-payment of statutory interest for the period from 05.01.2018 to 14.09.2018 as calculation of interest was made upto 05.01.2018 but actual payment was made on 14.02.2018. He further submits that the issue of 3rd ACP has not been finalized as yet.

Considering the aforesaid, the present writ application is disposed of with a direction to the respondents to examine the claim of the petitioner for payment of statutory interest over the provident fund if payment was not made on 05.01.2018 but on 14.02.2018, the calculation of statutory interest for the aforesaid period must be completed within a period of one month from the date of receipt/production of a copy of this order.

The Court expects that the respondents will do the



needful in finalizing the claim for grant of ACP under MACP Rules at the earliest preferably within a period of three months from today.

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

(Anil Kumar Upadhyay, J)

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