

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16190 of 2019

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Surya Deo Prasad Chaudhary S/o Late Kishun Ram Chaudhary, Resident of
Town/P.O./PS Warisaliganj, Near Raj Talkies, Dist. Nawada, Pin-805130

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Food and Consumer Protection Department,
Bihar, Patna.
3. The District Magistrate, Nalanda (at Bihar Sharif)
4. The Sub Divisional Officer, Hilsa, Dist. Nalanda (at Bihar Sharif).
5. The Accountant General Bihar, Patna

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Sidhendra Narayan Singh, Advocate
For the Respondent/s : Mr. Arvind Ujjwal (Sc4)
For the Accountant General : Mr. Ashar Mustafa, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 16-06-2020 The matter has been listed today for consideration through
Video Conferencing in view of the Nationwide Lockdown on account
of the Covid 19 pandemic.

The learned counsels are appearing and making
submissions from their residence. The Court Master and Secretary
are also part of this virtual court proceedings from their homes, all
with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned
Counsel for the respondents.

The claim of the writ petitioner is for payment of retiral
dues. The only impediment coming in the way of consideration of the
same, as per submission of the learned Counsel for the petitioner, is
the fact that from 3.10.2008 till the date of his superannuation i.e.
31.8.2016 the petitioner has not attended to his duties.

Learned Counsel for the petitioner submits that the
petitioner was going through severe phase of mental depression and



under those circumstances he was not going to office though he was regularly making leave application on the said ground.

Counsel for the State has filed a counter affidavit.

The issue whether the petitioner is entitled to any leave for the period of about eight years is an issue which has to be examined by the authorities themselves

Learned Counsel for the petitioner submits that annexing all details including the prescription in support of his claim of suffering with mental depression, he would be submitting his representation before respondent No. 2.

In case the petitioner makes such an application before respondent No. 2 within a period of four weeks, this Court would only observe that the respondent No. 2 will dispose of the petitioner's claim by a reasoned and speaking order in accordance with law. If the petitioner is found entitled to any payments as a result of such consideration, the same shall also be paid expeditiously. The entire exercise must be completed by respondent No. 2 within a period of three months from the date of receipt/production of a copy of this order along with the petitioner's detailed claim.

This writ petition is disposed of with the aforesaid observations/directions.

(Madhuresh Prasad, J)

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