

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19001 of 2018

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Harendra Prasad Singh, Son of Late Ramashrya Singh, resident of Mohalla - Indrapuri Road No. 10, House No. 03, P.O. Keshri Nagar, P.S. Patliputra, District Patna, PIN - 800024.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Accountant General, Govt. of Bihar, Patna.
3. The Engineer-in-Chief, Road Construction Department, Govt. of Bihar, Patna.
4. The Deputy Secretary, Road Construction Department (Vigilance), Patna.
5. The Deputy Secretary (Management Cell), Road Construction Department, Patna.
6. The Executive Engineer, N.H. Division, Jainagar, Madhubani through Personnel Grievance Redressal Cell through the Finance Officer, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rakesh Ranjan
For the Respondent/s	:	Mr.Raj Ballabh Prasad Yadav -Aag11
		Mr. Kumar Priya Ranjan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 08-06-2020 Heard learned counsel for the petitioner and the respondents.

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

“(i) For directing the respondent authorities to pay the retiral dues to the petitioner who was superannuated on 31.03.2017, but the respondent authorities have not paid the amount under the heading pension, gratuity, leave encashment, commutation of pension etc. even after one year and add months.



(ii) for directing the respondent authorities to pay the interest on the amount to be paid to the petitioner.”

In this case, counter affidavit has been filed on behalf respondent under Secretary (M C) Road Construction Department, Patna. In para 9 to 17 of the counter affidavit, the following statements have been made, which are quoted herein below:

“9. Earlier vide Departmental Letter No. 2397 (S) dated 26.03.2018 due to pendency of departmental proceeding, 90% provisional pension had already been sanctioned to the petitioner.

10. That in the meanwhile, the pending departmental proceeding was concluded vide Departmental Letter No. 4492 (S) dated 03.05.2019 and the petitioner has been inflicted with the punishment of forfeiture of 5% pension for two years.

11. That thereafter, vide Departmental Letter No. 5499 (S) dated 11.06.2019 the petitioner's balance 10% pension has already been sanctioned and communicated the same to all concerned for further action.

12. That vide Departmental Letter No. 7663 (S) dated 03.10.2018 the necessary sanction order had already been issued for making payment of 100% gratuity amount to the petitioner and communicated the same to the Accountant General, Bihar for taking further action in this regard.

13. That vide Departmental Letter No. 5500 (S) dated 11.06.2019 the necessary sanction



order has already been issued for making payment of petitioner's admissible unutilized earned leave amount equivalent to 300 days and communicated the same to the In-charge Officer, Finance (P.C.F.C.) Department, Bihar for information and necessary action.

14. That it is humbly submitted that thereafter, the Accountant General, Bihar has also issued necessary authority letter of pension, gratuity & commutation value of pension by letter dated 15.07.2019 and letter dated 19.07.2019.

15. That it is humbly submitted that the petitioner has admitted the fact that he has recently received the amount of pension, gratuity, group insurance, GPF and earned leave amount equivalent to 300 days.

16. That so far as the benefit of 3rd MACP w.e.f. 13.12.2012 is concerned, in this regard, it is humbly submitted that the same was placed before the Screening Committee on 04.10.2018 for consideration of grant of 3rd MACP as per his admissibility and the said Committee in its meeting dated 04.10.2018, has kept the matter of grant of 3rd MACP of the petitioner is pending due to unavailability of character report for the period from 2005-06 to 2012-13.

17. That in view of aforesaid facts and circumstances, the answering respondents humbly submit that all required sanction orders had already been issued by the respondent Department in order to ensure redressal of grievance of retiral dues of the petitioner and in view of the same, the instant writ application may be dismissed against the answering respondents."



From the averments made in the counter affidavit, the Court finds that except for the decision as to grant 3rd MACP, rest grievances of the petitioner have been redressed.

Under the aforesaid circumstances, the writ application is disposed of with a direction to the respondents to take appropriate decision with regard to the claim of the petitioner for grant of 3rd MACP within a maximum period of three months from the date of receipt/production of a copy of this order.

So far as the other post-retiral dues are concerned, liberty shall be available to the petitioner to file representation before the Secretary of the Department, who shall examine the same and pass appropriate order on the representation of the petitioner within a maximum period of one month from the date of filing of such representation along with a copy of this order.

(Anil Kumar Upadhyay, J)

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