

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17225 of 2019

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Balram Singh Son of Late Radha Krishna Singh Resident of Village-
Buddhuchak, P.S.-Fatuha, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The District Agriculture Officer, Patna.
4. The Sub-Divisional Officer, Patna City
5. The Block Development Officer, Pandarak.
6. The Block Development Officer, Phulwari, Patna.
7. The Accountant-General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lakshman Lal Pandey
For the Respondent/s : Mr.Awanish Nandan Sinha (GP-21)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 30-06-2020 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.

Heard the learned counsel for the petitioner Shri Rajni Kant Mishra, learned counsel for the State Shri Awanish Nandan Sinha and learned counsel for the Accountant General Shri Manikant Mishra.

The present writ petition has been filed for payment of the retiral dues as also other monetary benefits accrued to the petitioner on account of the benefits of A.C.P. and MACP as



also the outstanding salary for two months which has not been paid to the petitioner.

The learned counsel for the petitioner has submitted that the petitioner has retired from services on 31.01.2016 whereafter he has not been paid the full amount of the outstanding retiral dues.

The learned counsel for the State has filed a supplementary counter affidavit wherein it has been stated that the following retiral dues have already been paid to the petitioner herein:-

- 1. Provisional gratuity- Rs. 5,97,570/-*
- 2. Leave Encashment-Rs. 4,05,810/-*
- 3. G.P.F.- Rs. 3,69, 723/-*
- 4. G.S.S. Rs. 1,26,805/-*
- 5. Provisional pension- Till the month of 2018*
- 6. Salary for the month of February, 2014 & February, 2015- Paid.*

The learned counsel for the respondent State has further submitted that the service book and pension papers were sent to the office of the Accountant General, Bihar, Patna vide letter dated 04.08.2018, for final fixation of the pension and gratuity amount, however, his service book was returned by the Accountant General, Bihar, Patna vide order dated 14.09.2018 seeking clarification with regard to the period of suspension as



also with regard to the departmental proceeding against the petitioner herein.

It is the further case of the respondents that a notice has been issued to the petitioner to deposit a sum of Rs. 6,40,613/- in the block Nazarat since he has not completed any of the schemes allotted to him, however, the petitioner has failed to deposit the same. It is further submitted that on account of pendency of the departmental proceedings against the petitioner herein the benefits of ACP & MACP has not been given to the petitioner. Lastly, it is submitted that the departmental proceeding initiated against the petitioner prior to his retirement has been converted into a proceeding under Rule 43(b) of the Bihar Pension Rules by an order dated 27.06.2020 and the petitioner has been issued a second show cause notice dated 27.06.2020 with a direction to him to file his reply.

In rejoinder, the learned counsel for the petitioner has submitted that at this stage the petitioner has got no documents so as to pursue the ongoing departmental proceedings, hence has submitted that the respondent State may adjust the aforesaid amount of Rs. 6,40,613/- from the arrears of the pension and gratuity to be paid to the petitioner as also from the amount to be paid after grant of the benefits of ACP/MACP.



Having regard to the facts and circumstances of the case and considering the aforesaid submissions made by the learned counsel for the parties, this Court is of the view that all the admissible outstanding retiral dues have been paid to the petitioner herein except the arrears of pension with effect from the month of July, 2018 and the balance amount of Gratuity.

In such view of the matter, the present writ petition stands disposed off with a direction to the respondent State to make payment of the arrears of pension with effect from the month of July, 2018 till date within a period of two weeks from today. It is further directed that the issue of grant of benefits pertaining to ACP/MACP be also considered by the respondent-State, in accordance with law.

It is needless to state that the departmental proceeding, pending against the petitioner herein does not fall within the scope and ambit of the present writ petition, hence the petitioner is granted liberty to take recourse to appropriate remedies available under the law.

(Mohit Kumar Shah, J)

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