

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5183 of 2018

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Uday Shankar Dubey Son of late Sarbjeet Dubey, Resident of Mohalla-Kazipur, Naya Tola, Patna-4, Police Station Kadam Kuan, District Patna. Presently Posted as Clerk, ENT Eye Department P.M.C.H. Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Health Secretary, Health Department, Govt. of Bihar.
3. The Director in Chief, Health Services, Bihar, Patna.
4. The Superintendent, Patna Medical College Hospital, Patna.
5. The Superintendent Darbhanga Medical College Hospital, Laheria Sarai, Darbhanga.
6. The Accountant General, Bihar, Patna.
7. The District Provedent Fund Officer, Laheria Sarai, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dudh Nath Singh
For the Respondent/s : Mr.Pankaj Kumar- SC-12

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 01-06-2020 This writ application has been filed seeking direction to the respondents-State of Bihar to pay to the petitioner his post retiral dues, which he is entitled to upon his superannuation as a Clerk in Patna Medical College & Hospital, Patna with effect from 31.01.2018.

I have heard Mr. Dudh Nath Singh, learned counsel for the petitioner and Mr. Pankaj Kumar, learned Standing counsel No.12, appearing for the State of Bihar in the present virtual Court proceeding held through video conferencing.



On the basis of the pleadings on record and rival submissions made on behalf of the parties, it appears that the petitioner has been paid his dues against various heads, such as group insurance and general provident fund. So far as pension and gratuity are concerned, it transpires that only 90% against the two heads have been sanctioned and payments have been authorized because of absence of no dues certificate issued by a competent authority.

Learned AC to SC-12 appearing on behalf of the State of Bihar has submitted that it has been found that the petitioner has not handed over the charge after his superannuation and a sum of Rs. 1,19,000/- and odd are due to be paid by him to the Department against some head.

In response to the above noted submission, Mr. Dudh Nath Singh, learned counsel for the petitioner has submitted that the petitioner is ready to accept his pension and gratuity after adjusting the amount, which according to the respondent is due.

Considering the facts and circumstances, this writ application is disposed of with a direction that let full pension and gratuity be sanctioned and authorized for payment to the petitioner. It transpires that leave encashment amount has also not been paid. Let the same be paid within a period of three



months from today.

The respondents shall be obliged to authorize payment of full pension and gratuity within a period of three months and ensure payment thereof.

As has already been indicated, the respondents shall be at liberty to adjust the amount which is said to be pending against the petitioner from either of the three heads, namely, leave encashment, gratuity or pension.

The petitioner shall be at liberty to approach appropriate authority, if advised, to claim that the said amount of Rs. 1,19,000/- is not due on him.

This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

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