

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3277 of 2018

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Ramdeo Prasad @ Ramdeo Prasad Bhagat Son of Late Ramdhari Bhagat,
Resident of Village P.O.-Hussepur P.S. Bhorey, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Bihar, Patna
2. The Zila Padadhikari, Gopalganj, District-Gopalganj.
3. The Prakhanda Vikas Padadhikari Hathua, District-Gopalganj.
4. The District Provident Fund Officer, Gopalganj.
5. The Accountant General Bihar, Birchand Patel Path, R-Block, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Bhakta, Adv
For the Respondent/s : Mr. Kumar Alok- SC7

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 17-06-2020

This matter has been taken up for hearing through
video conference.

2. The following reliefs as formulated by the petitioner
have been claimed in the writ petition --

*"i) To sanction the pension, gratuity and admissible
commutation of pension and to make payment of
the same under the provisions of the Bihar Pension
Rules, 1950 with penal interest thereon on account
of its delayed payment;*

*ii) To make payment of Group Insurance and leave
encashment of 300 days with penal interest thereon
on account of its delayed payment;*

*iii) To grant 1st and 2nd ACP under the Bihar State
Employees Service Conditions (Assured Career*



Progression Scheme), Rule 2 and to make payment of difference of salary as well as pensionary benefits thereon along with penal interest on account of delayed payment;

iv) To make payment of due arrears of salary from 01.07.2010 till 31.05.2016 along with penal interest thereon on account of delayed payment.”

3. Learned counsel for the petitioner at the outset itself states that the admissible dues by way of retiral benefits have been received by him, save and except the amount of group insurance. It is further stated that the authorities have erroneously adjusted the amount of Rs. 7,36,117/- towards advance amount said to have been taken by the petitioner at his previous place of posting at Sidhwalia Block, District Gopalganj. It will be evident from the last pay certificate of the petitioner issued by the Block Development Officer, Sidhwalia Block dated 30.04.2016 (Annexure-3 to the rejoinder affidavit) that the outstanding amount recoverable from him was Rs. 1,78,420/- only.

4. Learned counsel for the State relies on the counter affidavit to submit that the petitioner retired as Panchayat Sachiv in the year 2016, but did not hand over charge upon retirement and has submitted his pension papers belatedly in 2018. Nevertheless, payments owing to him were processed and the arrears of salary from July, 2010 to April,



2016 amounting to Rs. 16,07,284/- was sanctioned vide memo no. 183 dated 22.01.2019 after deducting income tax and adjusting the advance amount of Rs. 7,36,117/-, the balance amount of Rs. 5,64,576/- has been deposited in the account of the petitioner. Other payments have also been made to the petitioner.

5. Having heard the parties and on consideration of the materials on record, this Court finds that no specific stand with regard to payment of group insurance has been taken in the counter affidavit of the respondents. The claim of the petitioner on the basis of the last pay certificate that the outstanding amount of advance taken was only to the tune of Rs. 1,78,420/- also requires to be examined.

6. As such, the writ petition is disposed of, granting liberty to the petitioner to approach the concerned authority with a fresh representation with respect to any grievance relating to the advance amount remaining recoverable, as well as with regard to non-payment of the amount of group insurance.

7. If any such representation is filed within two weeks from today, the same shall be considered and disposed of on its own merits in accordance with law and after grant of an opportunity of hearing to the petitioner, expeditiously and in any event preferably within a further period of eight



weeks thereafter.

8. It is also made clear that in view of the ongoing lockdown and Covid-19 pandemic, any correspondence between the parties may be made through email and that the concerned authority shall be at liberty to hear the petitioner through video conference. To enable the same, the petitioner shall furnish his mobile number and e-mail ID to learned Standing Counsel-7 not later than by Friday, i.e. 19.06.2020, for its onward transmission to the concerned authority.

9. The writ petition stands disposed of with the aforesaid observations and directions.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	18.06.2020
Transmission Date	-

