

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14452 of 2017

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Shambhu Poddar, S/o Late Girdhari Poddar, Resident of Village- Sonbarsa,
P.O.- Harnari, Via- Narhariya, P.S.- Laukhani, District- Madhubani.

... .. Petitioner

Versus

1. The Principal Secretary, Panchayati Raj, Government of Bihar, Patna.
2. The Principal Secretary, Personnel and Administrative Department,
Government of Bihar, Patna.
3. District Magistrate, Madhubani, District- Madhubani.
4. Additional District Magistrate, Establishment, District- Madhubani.
5. The Chairman, Zila Parishad, Madhubani, District- Madhubani.
6. Deputy District Commissioner, Zila Parishad, Madhubani, District-
Madhubani.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr.Lakshman Lal Pandey, Advocate.
For the State	:	Mr.Ajay, G.A. 5.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-05-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

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

The following reliefs have been sought for on behalf
of the petitioner in the present writ application.

“1(A) For issuance of writ/writs,
order/order, direction/directions in the
nature of Mandamus for commanding the
respondents for making payment of salary



including arrears of salary, Gratuity, Provident Fund and other consequential benefits to the petitioner who is legal representative/heir of the deceased.

(B) For issuance of writ/writs, order/orders, direction/directions in the nature of Mandamus for commanding the respondents to make payment of interest on the aforesaid amount from the due date to till date.

A counter affidavit has been filed on behalf of respondent no. 6. The following statement has been made in paragraph no.6 of the said counter affidavit.

“6. That the petitioner is the son of deceased employee and without having proper knowledge of the affairs, he has put his claim for payment of retiral dues, such as salary including arrears of salary, gratuity, provident fund and other consequential benefit in the year 2017, when almost dues had already been paid to him before a decade back as while a sum of Rs. 13,000/- against his provident fund account was paid on 25.6.2002, a sum of Rs. 8, 874.00 against arrears of salary was paid to him on 17.06.2013 through Cheque No. 447942, S.B.I., Madhubani Branch and the gratuity of deceased employee i.e., a sum of Rs. 4822.00 had also been paid on 27.7.2005.

The dues of deceased employee with regard to his unutilized leave i.e., sum of Rs. 16,252/- for 239 days was only kept pending, which has also subsequently been paid to the heirs of deceased employee on 22.11.2017 and in this way nothing remained due to be paid to the deceased employee either against his salary or his post retiral dues.”



Considering the aforesaid facts and the statement made in paragraph no. 6 of the counter affidavit, the present writ application stands disposed of.

If any further relief is to be sought for on behalf of the petitioner, the petitioner is at liberty to make/file a fresh representation before the concerned authority. The concerned authority shall dispose of the representation, made/filed on behalf of the petitioner, within a period of four months from the date of filing of such representation.

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(Sudhir Singh, J)

