

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 20996 of 2019

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Umesh Kumar Sinha, aged about 60 years, Son of Late Akhileshwar Prasad Sinha Resident of Village 16, Pharmaceutical Colony, Bhootnath Road, P.S. Agam Kuan, Town and District- Patna.

... .. Petitioner/s

Versus

1. The State of Biharr.
2. The Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Bailey Road, Patna.
3. The Joint Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Bailey Road, Patna.
4. The Deputy Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhilesh Dutta Verma, Advocate
For the Respondent/s : Mr. Arbind Ujjwal, SC 4

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 25-02-2020

Heard Mr. Akhilesh Dutta Verma, learned counsel for
the petitioner and Mr. Arbind Ujjwal, learned SC 4 for the State.

2. The petitioner has moved the Court for following
reliefs:-

*“(i) For issuance of an order,
direction or writ including writs in the
nature of mandamus commanding the
respondent to make payment of entire salary
with consequential benefits from 28.03.2014
in the light of order dated 01.03.2017
passed in C.W.J.C. No. 1970 of 2016.*

*(ii) For issuance of an order,
direction including writ in the nature of
mandamus commanding the respondents to*



make payment of monthly payment regularly on the month to month.

(iii) For issuance of an order/direction or writ including the nature of mandamus commanding the respondents to make payment of leave encashment with interest at the market rate from the date it was due till the date payment would be made.

(iv) For issuance of an order, direction or writ in the nature of mandamus commanding the respondents to make payment of provident fund with interest at the market from the date it was due till payment would be made.

(v) For issuance of an order, direction or writ in the nature of mandamus commanding the respondents to make payment of Group Insurance with interest at the market from the date it was due till payment would be made.

(vi) For issuance of an appropriate declaration holding that the petitioner was entitled for grant of pension, gratuity, leave encashment amount immediately after retirement and also after quashing the order of major punishment passed in C.W.J.C. No. 1970 of 2016 dated 01.03.2017.

(vii) For issuance of appropriate declaration holding that the petitioner is entitled for payment has been delayed in the cause due to indifferent attitude of respondent.

(viii) For any other relief/reliefs to which petitioner may be found entitled in the facts and circumstances of the present case.”



3. Second Supplementary counter affidavit has been filed on behalf of respondents no. 2 to 4.

4. In view of the pleadings brought on record, it appears that departmental proceeding is pending against the petitioner and as per the requirement of the Bihar Pension Rules, 1950 the admissible dues, as of now, have been paid.

5. Learned counsel for the petitioner submitted that the departmental proceeding has unnecessarily been kept pending since the year 2017 and in the meantime he has also superannuated on 31.07.2019.

6. Be that as it may, as the present writ petition has been filed for retirement benefit and the authorities have discharged their onus as per the existing provisions, no positive order can be passed in favour of the petitioner in the present application.

7. Accordingly, the application stands disposed off with the observation that the petitioner may move before the appropriate forum, in accordance with law, with regard to the delay in disposing off the departmental proceeding pending against him, which shall be considered on its own merit.

(Ahsanuddin Amanullah, J)

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