IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20418 of 2019

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Nawal Kishore Prasad, Son of Late Mishri Lal, Resident of Village-Saraun, Police Station-Tarapur, District-Munger. At present Resident of Mohalla-Nayatola, Madhopur, Post Office and Police Station-Basudeopur, District-Munger.

... ... Petitioner

Versus

1. The State of Bihar, through Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Director-in-Chief, Department of Health, Government of Bihar, Patna.
3. The District Magistrate, Munger.
4. The Civil Surgeon cum Chief Medical Officer, Munger.
5. The Superintendent, Sadar Hospital, District Munger.
6. The District Provident Fund Officer, Munger.
7. The Accountant General (A and E), Bihar, Patna.

... ... Respondents

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Appearance :
For the Petitioner : Mr.Ashutosh Kumar Verma
For the Respondent State: Mr.Mujtabaul Haque (Gp12)
For the Accountant General : Mr. S.M.Ehtesham

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 05-02-2020 The petitioner retired as Senior Clerk with effect from 31.01.2019 from Sadar Hospital, Munger. He has filed the present writ application seeking direction to the respondents for payment of his post retiral dues against gratuity, general provident fund, cash equivalent to unutilized earned leave, group insurance etc. He has also sought for a direction for payment of salary for the month of January, 2019 and for the period during which he had remained under suspension, with the benefits of MACP.

A counter affidavit has been filed on behalf of the respondents No. 4 and 5, wherein it has been stated that once approval of the Office of the Accountant General was issued upon the sanction order for payment of pensionary benefits, the same shall be immediately paid. It has been further stated that the arrears of 7th Pay benefits and permissible benefits arising out of grant of MACP shall also be paid to the petitioner once authority slips are issued by the Office of the Accountant General.

It transpires that a departmental proceeding was initiated against him, which has been dropped. According to the respondents, the petitioner had not joined the headquarters during the period of his suspension from 14.05.2013 to 04.05.2014 and accordingly the respondents have found the petitioner not entitled to the said amount. It has further been stated that as the suspension was subsequently revoked by the competent authority, extraordinary leave has been granted for the purpose of regularizing the petitioner's services for said period during which he had remained absent.

Another counter affidavit has been filed on behalf of the Accountant General, Bihar, wherein it has been stated that pension payment order and gratuity payment order have been issued, copies of which have been brought on record by way of Annexure-B to the said counter affidavit.

Considering the facts and circumstances, as noted above, this application is disposed of with a direction that let the entire amount, which the petitioner has been found to be entitled to, be credited in his account expeditiously, preferably within a period of one month from the date of receipt/production of a copy of this order.

(Chakradhari Sharan Singh, J)

Pawan/-

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