

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6843 of 2018**

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Gopal Krishna, S/o Late Bhuvneshwar Paswan, Resident of Village- Rampur,  
P.O.- Rampur, P.S.- Rajpur District- Buxar- retired Engineer-in-Chief cum  
Additional Commissioner cum Special Secretary, Building Construction  
Department, Govt. of Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar.
3. The Principal Secretary, Building Construction Department, Government of Bihar.
4. The Joint Secretary, Building Construction Department, Government of Bihar.
5. The Deputy Secretary (Accounts) Building Construction Department, Government of Bihar, 1st Floor Nirman Bhawan, Bailey Road, Patna.
6. The Principal Secretary, Road Construction Department, Government of Bihar, Nirman Bhawan, Bailey Road, Patna.
7. The Principal Secretary, Rural Works Department, Government of Bihar, Nirman Bhawan, Bailey Road, Patna.
8. The Accountant General, Bihar, Virchand Patel Road, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Gopal Pandey  
For the Respondent/s : Mr.Chittranjan Sinha Paag2

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

4      09-07-2020                      Heard Mr. Gopal Pandey, the learned counsel for the  
  
petitioner, Mr. Shailendra Kumar, the learned A.C. to PAAG-2  
  
and Mr. Ravindra Priyadarshi, the learned counsel appearing on  
  
behalf of the Accountant General, respondent no.8, through  
  
video conferencing.

The petitioner in this writ petition seeks following  
reliefs:



(i) For payment of 10% pension as well as 10% gratuity amount due for payment w.e.f. 01.02.2013.

(ii) For payment of unutilized leave encashment equal to 300 days earned leave amount.

(iii) For payment of Rs.10,000/- withheld by the Accountant General, Bihar, Patna from the payable 90% gratuity amount due on 01.02.2013.

(iv) For payment of salary due remained unpaid due for the waiting for posting period from 31.03.1986 to 19.10.1986 for the post held by the petitioner as Assistant Engineer in the department of Rural Engineering Organization, Government of Bihar.

(v) For payment of salary due remained unpaid for the waiting for posting period from 11.04.1987 to 02.03.1989 as Assistant Engineer in the department of Rural Engineering Organization, Government of Bihar.

(vi) For payment of salary remained unpaid due for waiting for posting period from 07.08.1993 to 30.12.1994 as Executive Engineer in the department of Road Construction Department as well as Rural Engineering Organization, Government of Bihar.

(vii) For payment of salary remained unpaid/due for



waiting for posting period from 31.12.1994 to 14.09.1995 as Executive Engineer in the department of Road Construction Department as well as Rural Engineering Organization, Government of Bihar.

(viii) For payment of granted earned leave amount availed by the petitioner during the period 31.03.1986 to 19.10.1986.

(ix) For payment of suitable and admissible interest on the aforesaid unpaid amounts withheld by the respondents for such a long period without any fault on the part of the petitioner.

Learned counsel for the petitioner submits that the petitioner retired from the post of Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Building Construction Department, Government of Bihar but after his retirement, the Building Construction Department withheld his 10% pension, gratuity and other amounts payable to the petitioner on the ground that certain periods of the services of the petitioner have not been regularized. Admittedly there is no vigilance case against the petitioner.

Now, the learned A. C. to P.A.A.G.-2 with reference to Memo No.10709, dated 11.10.2018 (Annexure-G) submits



that the entire period of the petitioner during his service tenure has already been regularized and the remaining amount of 10% gratuity and pension and other admissible dues are ordered to be paid to the petitioner.

Having considered the facts, I dispose of the writ petition with a direction to the respondents to pay 10% gratuity and 10% remaining pension and any other admissible dues of the petitioner within three months from the date of receipt of this order.

With the aforesaid direction, the writ petition stands disposed of.

**(Prabhat Kumar Jha, J)**

S.KUMAR/-

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