

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21176 of 2018

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Ram Bihari Thakur S/o Late Khudhi Lal, Resident of Village-Jhanjharpur
(Bazar), P.S.-Jhanjharpur, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Bihar, Patna.
2. The Director, Integrated Child Development Services (I.C.D.S.), Government of Bihar, Patna.
3. The Divisional Commissioner, Darbhanga Division.
4. The District Collector, Darbhanga.
5. The District Programme Officer (I.C.D.S.), Darbhanga.
6. The C.D.P.O., Baheri, Darbhanga.
7. The Accountant General, Accountant General Bhawan, Birchand Patel Path, Patna. Bihar.
8. The Treasury Officer, Darbhanga/ Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Yogendra Kumar, Adv
For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 20-08-2020

Heard learned counsel for the petitioner through video conference.

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

“For issuance of directions, orders or writs in the nature of:

(i) A mandamus commanding the respondent authorities to make payments of all retiral dues including pension, gratuity, General Provident Fund, Group Insurance, Leave encashment, arrears of salary etc. to the petitioner, who has



superannuated from the post of Clerk-cum-Typist on 31.03.2016 from the office of Child Development Project, Baheri, Darbhanga, upon which the petitioner was validly and legally appointed by the competent authority of the respondent State;

(ii) A mandamus commanding the respondent authorities to make payment of entire post retiral benefits with the bank rated interest from the date the same become payable to the petitioner till the actual date of payment;

(iii) Any other writ or writs for granting any other relief or reliefs for which the petitioner is found entitled to in the facts and circumstances of the case."

3. Learned counsel for the petitioner submits that after the present writ petition was filed by him, some payments by way of arrears of salary has been made, apart from which the remaining retiral dues including pension, gratuity etc., have not been paid.

4. None appears on behalf of the State when the matter is called.

5. Having regard to the nature of grievance of the petitioner, this Court is of the view that without going into the detailed merits of the matter, it will suffice at this stage if the Divisional Commissioner, Darbhanga Division, Darbhanga (respondent no. 3) is directed to consider and dispose of the petitioner's representations dated 07.02.2017 and 21.03.2017 (Annexures-9 and 11 respectively), if still pending, on its own merits in accordance with law after grant of an opportunity of hearing to the petitioner, within a period of eight weeks from today.

6. It is also made clear that in view of the ongoing 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 Advocate General through email not later than by Thursday, the 27th August, 2020, for its onward transmission to the concerned authority.

7. The writ petition stands disposed of with the aforesaid directions.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	21.08.2020
Transmission Date	-

