

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7260 of 2018

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Umesh Chaudhary, Son of Late Mukeshwar Chaudhary, Resident of Village
and P.O. Kalwari, P.S. Kanti District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Principal Secretary, Agriculture Department, Govt. of Bihar, Patna.
3. Director Agriculture, Department, Govt. of Bihar, Patna.
4. Joint Director Agriculture Department, Tirhut Division Muzaffarpur.
5. Deputy Director Training Extension Centre, Mushahari, District-
Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Arun Kumar, Advocate.
For the Respondents : Mr.Raghwanand, G.A. 11.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-06-2020 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.

“To issue a writ of Mandamus or any
other writ or writs, direction or directions
commanding upon the respondents to
make payment of the retiral dues of the
petitioner with interest as the respondents
are not making payment of the same



inspite of the request and representation.”

In pursuance to the same, a counter affidavit has been filed on behalf of the respondent nos. 2 to 5.

The following statements have been made in paragraph nos. 8, 9 and 10 of the said counter affidavit.

“8. That it is stated that the petitioner’s claim of following retiral benefits have been reimbursed by the Deputy Director (Agro)-cum-Principal, Extension Training Centre, Mushahari, Muzaffarpur (respondent no. 5):-

(i) Group Insurance:- As per New Group Insurance Rule, 1997, the sum total of an amount Rs. 88,959/- (Rupees Eighty eight thousand nine hundred fifty nine) only has been calculated and sanctioned vide memo No. 33 dated 11.10.2017 and paid to the petitioner’s bank account (SBI SB A/C 30158410093) through treasury voucher no. P/80011/00035 dated 18.10.2017.

(ii) General Provident Fund:- After obtaining an authority letter (bearing memo no. 628 dated 07.09.2017) from District Provident Fund Officer, Muzaffarpur the contributory amount to the petitioner’s GPF account MFP/AGR 985 and interest accrued therein Rs. 11,55,604/- (Rupees Eleven Lakhs fifty five thousand six hundred four) only has been reimbursed to the petitioner’s bank account through treasury bill no. 29/17-18 (TV No. P 8009/00088 dated 28.09.2017).

(iii) Un-utilized Leave Encashment:-

After verifying the service record of the petitioner, the unutilised earned leave (max. 300 days on the basis of last basic salary Rs. 37500.00) an amount Rs. 3,86,880/- (Rupees Three Lakhs eighty six thousand eight hundred eighty) only has been



sanctioned vide office order no. 34 dated 11.10.2017 and reimbursed to the petitioner's bank account through treasury voucher no. P/7071/00453 dated 21.10.2017.

(iv) Gratuity and Pension:- Dully filled pension papers were obtained by the petitioner and after its verification was sent to the Accountant General, Bihar, Patna, on 14.05.2018 for sanctioning the gratuity and pension amount to the petitioner.

The Accountant General, Bihar, Patna, have sanctioned the gratuity amount Rs. 600469.00 (Rupees Six Lakhs four hundred sixty nine) only vide GPO No. 201811011196GO/15.06.2018 and pension per month Rs. 18,750/- (Rupees Eighteen thousand seven hundred fifty) only vide PPO No. 201811011196GO/15.06.2018 in favour of the petitioner on the basis of the last pay Rs. 37,500.00.

9. That it is stated that the pay scale of the petitioner has been revised as per Letter No. 7757 dated 23.09.2016 and Resolution No. 3590 dated 24.05.2017 of Finance Department, Bihar, Patna. The arrears of salary for the period of 01.04.2007 to 31.03.2007 Rs. 1,93,227/- (Rupees one Lakh ninety three thousand two hundred twenty seven) only and Rs. 14,220.00 (Rupees fourteen thousand two hundred twenty) only for period of 01.04.2017 to 01.06.2017 has been paid in the petitioner's bank account through treasury bill no. 68/09.03.2018 and bill no. 30/20.09.2017 respectively.

10. That it is stated that third MACP was granted to the petitioner with effect from 13.01.2017 by the Joint Director (Agro), Tirhut Division, Muzaffarpur, vide office order no. 126 dated 21.12.2017. The petitioner scale of pay has been revised further accordingly by office order no. 18 dated 09.10.2018 and an amount of Rs.



15,152/- (Rupees Fifteen Thousand one hundred fifty two) only has been reimbursed to the petitioner through treasury bill no. 32/28.11.2018.”

Considering the aforesaid facts and circumstances, the petitioner is granted liberty to make/file a fresh representation before an appropriate authority, within a period of eight weeks from today for remaining dues, if any. The concerned authority shall pass an appropriate order, in accordance with law, within a period of four months, from the date of filing/making of such representation.

The present writ application stands disposed of with the aforesaid observation and direction.

(Sudhir Singh, J)

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