

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25300 of 2019

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Umesh Baitha, Son of Late Bhanu Baitha, Resident of Village Nonaura, P.S. Ghorasahan, District Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The District Education Officer, Madhubani.
5. The District Programme Officer (Establishment), Madhubani.
6. The District Provident Fund Officer, Madhubani.
7. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prakash Verma, Advocate
For the Respondent/s : Mr. Madanjeet Kumar (GP-20)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 12-11-2020 Heard Mr. Sanjay Prakash Verma, learned counsel for the petitioner and Mr. Madanjeet Kumar, learned counsel for the respondents.

The petitioner retired on attaining the age of superannuation on 31.07.2019 from the post of Block Education Officer, Madhubani. He approached this Court for a direction to the respondents for payment of retiral dues and other admissible dues.

On behalf of the State, counter affidavit as well as supplementary counter affidavit has been filed.



Mr. Sanjay Prakash Verma, learned counsel for the petitioner admits that part payment of G.P.F. and G.I.S. have been made and provisional pension has also been sanctioned. Referring to para 9 of the supplementary counter affidavit, he submits that the District Programme Officer (Establishment), Madhubani sent all the necessary papers for its approval so that final payment of post-retiral dues are paid to the petitioner. Para 9 of the supplementary counter is quoted herein below:

“9. That the District Programme Officer Establishment, Madhubani vide letter no. 920 dated 21.10.2020 has sent the original service book, pension papers service history and records of leave encashment for sanctioning the pension, gratuity and leave encashment amount. After receiving the same, the answering respondent shall be paid to the petitioner without any delay.”

Considering the stand of the respondents mentioned in para. 9 of the supplementary counter affidavit, the writ application is disposed of with a direction to the respondents to ensure payment of entire post-retiral dues within a maximum period of three months from the date of receipt/production of a copy of this order. In the event, the post-retiral dues are not paid along with calculation chart, the petitioner would be entitled to



interest at the rate of 9% per annum on all retiral dues from the date of retirement i.e. 31.07.2019 till the date of actual payment, which shall be born out from the pocket of the concerned respondent, namely, the District Programme Officer (Establishment), Madhubani.

The respondents are also required to ensure payment of pre-retiral dues, if any, along with calculation within the same time indicated herein above.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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