

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.25528 of 2019**

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Kapildeo Singh S/o Sri Rih Narayan Singh Resident of Village- Jhundo, P.S.-  
Khaira, District- Jamui, Pin-811314

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj  
Department, Govt. of Bihar, New Secretariat, Patna
2. The District Panchayat Raj Officer Jamui
3. The District Magistrate, Jamui
4. Sri Sunil Kumar Chand Son of name not known at present posted as the  
Block Development Officer, Chakai, District- Jamui
5. The Block Development Officer Sono, District- Jamui
6. The Block Development Officer Sikandra, District- Jamui
7. The Block Development Officer Laxmipur, District- Jamui
8. Sri Awatulya Kumar Arya Son of name not known at present posted as the  
Block Development Officer, Khaira, District- Jamui
9. Sri Rajendra Yadav son of name not known at present posted as Panchayat  
Secretary, Ramsinghdih Panchayat, Prakhand Chakai, District- Jamui

... .. Respondents

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**Appearance :**

For the Petitioner : Mr. Ashok Kumar, Advocate  
For the Respondents : Mrs. Archana Meenakshee (GP6)

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL JUDGMENT**

**Date : 23-06-2020**

Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

The petitioner has filed the present writ petition for  
the following reliefs:-

*“(i) For issuance of a writ in the nature*



*of Mandamus granting for payment of all retiral benefits as admissible in the eye of law to the petitioner with calculation chart and for fixation of pension at the revised rate.*

*(ii) For payment of all post retiral dues as Provident Fund Amount, Gratuity, Leave Encashment, Group Insurance, G.P.F. amount etc. with admissible interest @ 18% per annum.*

*(iii) For payment of arrear of salary of the petitioner with interest @ 18% per annum for the period with concerned Prakhand and Panchayat are being given below:-*

| Sl. No. | Period of due salary                                                                                            | Prakhand | Panchayat                             |
|---------|-----------------------------------------------------------------------------------------------------------------|----------|---------------------------------------|
| (a)     | January 1999 to May 1999, August-2005 and December - 2005                                                       | Sikandra | Pirhinda and Mircha Pathak Chak       |
| (b)     | January 2006 to Dec. 2006, January and February, 2007, February, 2008 to April, 2008 January 2009 to Sept. 2009 | Laxmipur | Matiya and Harla                      |
| (c)     | Oct. 2009 to Dec. 2010 and January, 2011                                                                        | Khaira   | Kageshwar                             |
| (d)     | February 2011 to June 2016                                                                                      | Chakai   | Peterpahari and Ramsinghdih           |
| (e)     | July 2016 to December, 2017                                                                                     | Sono     | Chuchunariya, Thaman and Peramalihana |

*(iv) For issuance of a writ in the nature of Certiorari for setting aside the letter no.1221/Pa dated 15.11.2019 (Annexure-5) issued under the signature of the District Magistrate, Jamui to the Block Development Officer, Sono/Chakai and Khaira hereby and whereunder direction has been given to the B.D.O., Sono for recovery of Rupees Forty three Lakhs Seventy four Thousand ( Rs.43,74,000/-) with interest @ 12% per annum shall be made from retiral benefits of the petitioner, without issuance of show cause to the petitioner as alleged is absolutely baseless allegation after more than two years from the date of occurrence to his*



*date of retirement.*

*(v) For taking the immediate action against the respondent no.4 (Block Development Officer, Chakai), respondent no. 8 (Block Development Officer, Khaira) and the respondent No. 9 (Panchayat Secretary, Ramsinghdih) who have demanded illegally One Lakh rupees from the petitioner for granting his retiral benefits and due salary and after refusal of the same now the petitioner is being harassed by them.*

*(vi) For directing the respondent no. 9 to produce the concerned original records as alleged alongwith the Service Book of the petitioner before this Hon'ble Court for perusal of the same as to how the baseless allegation has been leveled against the petitioner.*

*(vii) For granting Rupees Fifty Lakhs as heavy cost against the respondent authorities payable to the petitioner, from their pocket who are giving heavy mental agony, facing hardships as hand to mouth due to non-fixation of pension of the petitioner.*

*(viii) For grant of any other relief/reliefs to the petitioner as admissible in accordance with law and during pendency of this case the Annexure-5 to this writ petition may kindly be stayed by way of granting interim relief."*

The petitioner retired on 31.12.2017 from the post of Panchayat Secretary.

In this case a counter affidavit has been filed on behalf of the respondent nos. 2 to 8. Paragraphs 5 to 6 of the counter affidavit are being reproduced hereinbelow for ready reference:-

*“(5) That entire the statement of the writ petition are quite misdirected, misconceived and only for wrongful gain. That, petitioner was initially appointed as Panchayat Secretary in Block*



*Office Sikandara where he worked till 2005, thereafter he was transferred to Block Laxmipur where he worked till 2009 and subsequently thereafter he was transferred to Khaira Block where he worked till 2010 but admittedly his arrears of salary could not be paid as L.P.C. was not received thereafter petitioner was transferred to Chakai Block. Thereafter L.P.C. from Laxmipur was received which was sent to B.D.O. Chakai for needful. Where the petitioner worked as Panchayat Secretary till June 2016 thereafter he was transferred to Sono Block where he retired from service on 31.12.2017.*

*(6) That thereafter he filed the instant writ for retiral benefits by suppressing the real state of affairs.*

*After retirement petitioner was paid his G.P.F. amount and amount of group Insurance and other dues could not be paid due to non availability of L.P.C. Thereafter L.P.C. from Chakai was received in January 2019. In which advance taken in different scheme was entered in L.P.C. at Khaira and Chakai Block and same was not adjusted by petitioner as the same was found recoverable from the petitioner Advance taken in different scheme at Chakai Block which was not completed at Chakai is as follows:-*

### **Chakai Block**

| Scheme                                                                              | Estimated Cost       | Advance (Rs.)         | Recoverable Amount    |
|-------------------------------------------------------------------------------------|----------------------|-----------------------|-----------------------|
| 14 Finance Scheme No. 1/15-16 to 27/15-16 and Scheme no. 1/16/17 (Total 28 Schemes) | 26 Lacks 8 thousands | 26 Lacks 85 thousands | 26 Lacks 85 thousands |
| 13 Finance Scheme No. 1/13-14 and 2/13-14                                           | 15,59000             | 9,64500               | 9,64500               |
| Mukhya Mantri                                                                       | 10,6000              | 60000                 | 60000                 |



|                                   |  |  |  |
|-----------------------------------|--|--|--|
| Gramoday<br>Scheme No.<br>2/14-15 |  |  |  |
|-----------------------------------|--|--|--|

**Similarly as Khaira Block**

| Scheme   | Estimated Cost | Advance (Rs.) | Recoverable Amount |
|----------|----------------|---------------|--------------------|
| 08/09-10 | 4,99,579       | 3,17500       | 60,000             |

Learned counsel for the petitioner with reference to Annexure -1 would submit that entire charge was handed over by the petitioner and after retirement the respondents have arbitrarily shown payment of advance and recoverable amount without adjusting the utilisation and contrary to the original records.

Considering the fact that the petitioner retired on 31.12.2017 from the post of Panchayat Secretary, the writ petition is disposed of with liberty to the petitioner to represent the District Magistrate, Jamui (respondent no. 3) for final settlement of his post retiral dues and the District Magistrate, Jamui after thorough enquiry into the matter and after perusal of original record, take appropriate decision for payment of all post retiral dues within three months by a reasoned order and ensure payment of unpaid admitted dues at the earliest preferably within a maximum period of 30 days from the date of final order of verification of original record failing which the entire amount



shall carry interest at the rate of 9% per annum from the date of filing of the writ petition i.e. 18.12.2019 till the date of actual payment. In the event the District Magistrate finds that any amount of post retiral benefit is not payable to the petitioner, he shall pass appropriate order in accordance with law i.e. as per Bihar Pension Rules after affording opportunity of hearing to the petitioner.

With the aforesaid observation and direction, the present writ petition stands disposed of.

**(Anil Kumar Upadhyay, J)**

BT/-

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