IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1000 of 2020

==

Narendra Kumar Sinha son of Late Ramashray Lal, resident of Mohalla-Dariyapur Gola, P.O.- Bankipure, P.S.- Bankipure, District- Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, General Administration Department, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Deputy Secretary, (Vaiyaktik Dawa Nirdharan Koshang), Department of Finance, Government of Bihar, Patna.
4. The Secretary, Department of Agriculture, Government of Bihar, Patna.
5. The Director (Administration)- cum- Additional Secretary, Department of Agriculture, Government of Bihar, Patna.
6. The Accountant General (A and E), Bihar Patna.

... ... Respondent/s

==

Appearance :

For the Petitioner/s	:	Mr.Akshansh Ankit, Advocate
For the State of Bihar	:	Mr. Dhurjati Kr. Prasad, G.P.-14
For the A.G. Bihar	:	Mr. Ajeet Kumar, Advocate

==

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 03-03-2020 Heard learned counsel for the parties.

2. The petitioner has got voluntary retirement with effect from 31.08.2016 while serving the post of Under Secretary, Department of Agriculture, Government of Bihar. He has filed the present writ application seeking direction to the authority to pay to him his post retiral dues.

3. Counter affidavits have been filed on behalf of the Respondents State of Bihar and the Accountant General (A&E), Bihar. It has been stated in the counter affidavit filed on behalf

of the Accountant General that the office of the Accountant General has now issued Pension Payment Order authorizing monthly pension with effect from 01.09.2016. It has however, been mentioned in one of the letters dated 20.02.2020 written by the office of the Principal Accountant General, Bihar, addressed to the Finance Department, Government of Bihar, that in the absence of 'No Dues Certificate', payment of gratuity has not been authorized. In this regard, my attention has been drawn by learned counsel appearing on behalf of the Respondents State of Bihar to letter dated 07.08.2019 issued by the Agriculture Department, Government of Bihar, addressed to the Accountant General, Bihar, which has been brought on record by way of Annexure-A to the counter affidavit to the effect that there is no advance pending with the petitioner and no amount is recoverable from him.

4. In that view of the matter, the Court directs the Accountant General, Bihar, to issue authority slip for payment of gratuity in favour of the petitioner within four weeks from the date of receipt/production of a copy of this order.

5. This is to be noted that there is specific statement in paragraph-7 of the counter affidavit filed by the Deputy Director, Agriculture, that the Department has already issued

'No Dues Certificate' which has been communicated to all concerned.

6. In respect of payment of cash equivalent to unutilized earned leave, it has been stated that earlier it was reported to the Department that the total earned leave of the petitioner was nil. However, subsequently, it was reported that the petitioner has total 29 days of earned leave to his credit and, accordingly, steps are being taken for payment of cash equivalent thereto. The respondents are directed to ensure that cash equivalent to earned leave is paid to the petitioner within six weeks from the date of receipt/production of a copy of this order.

7. In respect of payment of Group Insurance amount, it has been stated on behalf of the Respondents State of Bihar that the process of payment is under way. The Court directs that let the entire payment against Group Insurance be made in favour of the petitioner within the same period as aforesaid.

8. This writ application is, accordingly, disposed of with the aforesaid directions.

(Chakradhari Sharan Singh, J)

S.Ali/-

U			