

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15312 of 2018

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Nageshwar Prasad Singh Son of Govind Singh Resident of Village Malaypur,
Nagdeva, P.O. and P.S. Malaypur, District Jamui. Petitioner

Versus

1. The State Of Bihar
2. Principal Secretary, Minor Irrigation Department, Govt. of Bihar, New Secretariat, Patna.
3. Engineer-in-Chief, Minor Irrigation Department, Vishweshwaraiya Bhawan, Patna.
4. Chief Engineer, Minor Irrigation Department, Government of Bihar, Bhagalpur.
5. Superintending Engineer, Minor Irrigation Circle, Munger.
6. Executive Engineer Minor Irrigation Division, Lakhisarai Patna.
7. Accountant General, Bihar, Patna.
8. Treasury Officer, Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mukul Prasad
For the Respondent/s : Mr. Ajit Kumar, G.A.-9
Mr. Manoj Kumar Sinha, A.C. to G.A.-9

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 29-01-2021 Heard the parties through virtual mode.

Following relief has been sought for in paragraph 1 of the
present application on behalf of the petitioner:

“1. That the petitioner prefers the present writ petition for the issuance of writ in the nature of certiorari or any other writ for quashing the letter no. 790 dated 03.11.2015 issued by the Executive Engineer, Minor Irrigation Division, Lakhisarai as contained in Annexure-5 by which the No-Dues certificate has been withheld for the payment of his Gratuity and leave encashment issued by the Accountant General, Bihar vide P.P.O. No. 20151115103200 dated 10.12.2014 and also for a



direction upon the respondents to pay the cash benefit of unutilised leave.”

A counter affidavit has been filed on behalf of respondent nos. 2 to 6. Following statements have been made in paragraph 5 of the same:

“5. That it is humbly stated that the Executive Engineer, Minor Irrigation Division, Lakhisarai vide his letter no. 1080 dated 03.11.2018 has informed the Treasury Officer, Jamui that no dues certificate has been issued with regard to the payment of the remaining dues of Gratuity and leave encashment of the petitioner which has been detained in the light of office letter no. 790 dated 03.11.2015 and the payment shall be made to the petitioner with that respect.”

Considering the statement made in the counter affidavit, the grievance of the petitioner in respect of non-issuance of N.O.C. has already been redressed by the respondents. The respondents will be under obligation to make payment of admitted dues in respect of post retiral dues, if the petitioner is found entitled under the law, within a period of four months from the date of receipt/production of a copy of this order.

With the aforesaid observation/direction, the present writ application stands disposed of.

(Sudhir Singh, J)

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