IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6513 of 2021

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Rajendra Kumar Mishra, son of Chandra Shekhar Mishra R/o B- 75, Birla Colony, Phulwari, P.O. and P.S.- Phulwarisharif, District- Patna, Bihar-801505.

... ... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director (Administrator)-cum-Additional Secretary, Education Department, Government of Bihar, Patna.
4. The Treasury Officer, Vikas Bhawan, Patna.
5. The Director, Bihar Education Project Council, Shiksha Bhawan, Rashtrabhasha, Sidpur, Rajendra Nagar Patna- 4.
6. The Accountant General, Bihar, Patna.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Alok Ranjan, Advoate
For the Respondent/s : Mr.Lalit Kishore (A.G)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-03-2021 Heard learned counsel for the parties.

The grievance of the petitioner in the present writ petition is that the petitioner retired on 29.02.2020 after attaining the age of superannuation from the office of Bihar Education Project Council, Patna holding the post of State Programme Officer but after superannuation, the petitioner has not been given full pension and other retiral benefits.

Learned counsel appearing on behalf of the petitioner would submits that petitioner has approached the respondents by way of filing representation contained in Annexure-4 series but no order has yet been passed on the representation of the petitioner.

It is an accepted position that gratuity and pension are not the bounties. An employee earns these benefits by dint of his long, continuous, faithful and un-blemished service. It is thus hard earned benefit which accrues to an employee and that cannot be taken away without the due process of law.

The respondents are under obligation to pay full pension and all retiral dues at the earliest so that the erstwhile employee who has attained the age of superannuation may not face financial hardship.

Since the petitioner has retired on 29th of February, 2020, this Court directs the respondents to ensure payment of post retiral benefits including full pension within a maximum period of four months from the date of receipt/production of a copy of this order, failing which, the entire dues shall carry interest at the rate of 9 percent per annum which shall be counted from the date of superannuation.

With the aforesaid observation/direction, the writ petition stands disposed off.

(Anil Kumar Upadhyay, J)

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