

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7295 of 2019

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Shailendra Kumar Son of Late Jagat Narayan Poddar Ex-Deputy
Superintendent, R/o Jail Road Behind the State Bank of India Barari, S. Lal
Campus, Tilka Manjhi Jagdishpur, Bhagalpur, Bihar-812001

... .. Petitioner/s

Versus

1. The Chief Secretary, State of Bihar Old Secretariate, Patna
2. The Home Secretary Home Department, State of Bihar, Old Secretariate,
Patna
3. The Special Secretary Home Department, State of Bihar, Old Secretariate,
Patna
4. The Inspector General Prison and Improvement Service, Bihar, Old
Secretariate, Patna
5. The Deputy Secretary cum Deputy Director (Admn.) Home Department
Prison, State of Bihar, Old Secretariate, Patna
6. The Superintendent District Jail, Saharsa
7. The Superintendent District Jail, Jamui

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar, Advocate
For the Respondent/s : Mr.Ajay Kr. Sharma, Advocate

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

6 30-06-2021 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

This writ application has been filed seeking a
direction to the respondents to pay retiral benefits with interest
because of delayed payment. The petitioner is also seeking a
direction for payment of salary, dearness allowance and arrears
of salary from January 2008 to 11.06.2009, which has been
illegally withheld, according to the petitioner. He is seeking



further direction for payment on the basis of revised pay-scale in view of letter No. 1.932 NI(2) dated 24.12.2008.

Petitioner retired after attaining the age of superannuation with effect from 30.04.2016 as Deputy Superintendent, District Jail, Jamui.

A counter affidavit has been filed on behalf of the State of Bihar stating therein that the admissible amount of General Provident Fund, Gratuity and Group Insurance have already been paid to the petitioner. In the counter affidavit, it was stated that due to non-availability of service book, the pension and gratuity as well as payment of cash equivalent to earned leave could not be authorised.

A supplementary counter affidavit has been filed stating therein that payment of pension and gratuity has since been authorised. Arrears of salary and unutilised earned leave have also been paid to the petitioner. In paragraph 6 of the supplementary counter affidavit it has been stated that as on date there is no dues which has remained to be paid to the petitioner.

Considering the aforesaid statements made in the supplementary counter affidavit, which has not been controverted, this application is disposed of with an observation that the petitioner shall be at liberty to approach the competent



authority by making a representation if, according to him, any of his dues have remained unpaid. If any representation is made within six weeks from today, the concerned authority shall be under obligation to consider the same in accordance with law and take a decision within two months thereafter. If any amount is found payable to the petitioner, the concerned authority shall ensure that the same is paid to the petitioner within one month thereafter.

(Chakradhari Sharan Singh, J)

Rajesh/-

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