

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7286 of 2020

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Ashok Kumar, Male, aged about 61 years, son of Kapileshwar Sharma,
Resident of village- Shamshernagar, P.S. Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Finance Secretary, Government of Bihar, Patna.
2. The District Magistrate, Hazipur in Vaishali.
3. The Superintendent of Police, Hazipur in Vaishali.
4. The Superintendent of Police Siwan.
5. The Senior Treasury Officer, Aurangabad (Bihar).
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Anand
For the Respondent/s : Mr. Manoj Kumar, AC to GP – 4

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 04-02-2021 Heard Mr. Abhishek Anand, learned counsel for the

petitioner and Mr. Manoj Kumar, learned A.C. to Government

Pleader No. 4 appearing for the State.

The present writ application has been filed for a
direction to the respondent authorities to pay the post retiral
dues of the petitioner, who has retired as Constable in
December, 2019 from Hazipur, Vaishali.

Learned counsel for the petitioner submits that
petitioner retired from the post of Constable in the year 2019
from Hazipur, Vaishali and the respondent authorities are not
giving him post retiral benefits which amounts to taking away



the vested rights of the petitioner.

On the other hand, learned counsel for the State referring to the counter affidavit submits that entire retiral dues of the petitioner have been paid except gratuity and leave encashment which have been adjusted / recovered against the excess payment made to the petitioner against A.C.P. and M.A.C.P. Scale which have been cancelled by the respondent no. 3 by order dated 26.10.2019.

Learned counsel for the petitioner submits that petitioner is intending to challenge the order dated 26.10.2019 passed by respondent no.- 3 by way of a separate writ application, as such, learned counsel seeks permission to withdraw this application with liberty to challenge the aforesaid order.

Permission is granted.

Accordingly, this writ application is dismissed as withdrawn with liberty that petitioner may prefer separate writ application challenging the order dated 26.10.2019.

(Anil Kumar Sinha, J)

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