

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8150 of 2020

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Sudeshwar Sah, aged about 23 years, Gender- Male, Son of Late Gaya Sah,
Resident of Village- Gopalpur, PS- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Department of Education, Bihar, Patna.
3. The Regional Deputy Director of Education Tirhut Division, Muzaffarpur.
4. The District Programme Officer Establishment, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ayush Kumar, Advocate

For the State : Mr. Vivek Anand Amritesh, AC to SC 28

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 25-03-2021

Heard Mr. Ayush Kumar, learned counsel for the petitioner and Mr. Vivek Anand Amritesh, learned AC to SC 28 for the State.

2. The petitioner has moved the Court for the following reliefs:

“i) For issuance of direction to the respondent authorities to pay all the retiral dues including pension, gratuity with interest, 300 days



unutilized dues, leave encashment and all other retiral dues to the petitioner.

ii) The petitioner further prays for payment of his due salary of the period 29.07.2016 to 31.01.2017 during which the petitioner was under suspension and he was only paid his subsistence allowance.

iii) For any other relief/reliefs for which petitioners may be deemed entitled too.”

3. At the outset, learned counsel for the State submitted that initially the petitioner was visited with punishment order in departmental proceeding by which full pension was forfeited but the petitioner raised a grievance that as per the Bihar Pension Code, as also the judgment in the case of **Vinayak Pandey vs. State of Bihar and Ors** dated 09.09.2019, in CWJC No. 13051 of 2019, he was entitled for payment of 90% gratuity. Learned counsel submitted that the authorities have acceded to such request and actual payment amounting to Rs. 7,91,280/- has been credited into his Bank account.

4. The aforesaid position was not disputed by learned counsel for the petitioner.

5. In view thereof, nothing further remains in the present writ application and accordingly, the same stands disposed off.



6. However, it is observed that the petitioner is at liberty to approach the appropriate forum in connection with his grievance with regard to the remaining 10% of gratuity.

(Ahsanuddin Amanullah, J.)

P. Kumar

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