

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12218 of 2019

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Ranjana Kumari Wife of Anirudh Prasad Resident of J.D. Bhawan,
Nahar Road, Near Kali Mandir, Rupaspur, Behind Government Primary
School, P.O.- Khagaul, P.S.- Rupaspur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director, Secondary Education, Department of Education, Govt. of Bihar, Patna.
4. The Director Administration-cum-Additional Secretary Department of Education, Government of Bihar, Patna.
5. The Director, Provident Fund, Govt. of Bihar, GPF Directorate, 5th Floor, Panth Bhawan, Patna.
6. The Accountant General, Bihar, Patna.
7. The Accounts Officer, Office of Accountant General, Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Tej Bahadur Singh, Sr. Advocate Mr.Brisketu Sharan Pandey, Advocate
For the State	:	Mr.Rakesh Narayan Singh, AC to AAG-15
For the A.G.	:	Mr. Kumar Priya Ranjan, S.C. Mr. Pallav, J.C. to Kumar Priya Ranjan.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 05-03-2021 Head learned Senior Counsel for the petitioner,

learned counsel for the State and learned counsel representing

the Accountant General.

Petitioner, in the present, case has prayed for the

following reliefs:-

“(i) For issuance of appropriate writ(s),
direction/directions including the writ of mandamus



directing thereby the respondents to pay the petitioner his post retiral benefits including, unutilized earned leave, pension, gratuity which the petitioner has been denied for no justifiable reasons.

(ii) For directing the respondents to compute the post retiral benefits including the pension, gratuity and other retiral benefits to which the petitioner is entitled to.

(iii) For direction upon the respondents to pay appropriate interest upon pension, gratuity and unutilized earned leave which has been denied to the petitioner without any justifiable reasons.

(iv) For directions upon the respondents to pay pension, gratuity and unutilized earned leave forthwith with interest from the date of retirement of the petitioner i.e. 01.10.2018.

(v) For directing the respondents to expeditiously release the post retiral benefits in the name of petitioner and consequentially pay him the amount due so that the petitioner may not be deprived of his genuine claims in the fag end and evening of his life.

(vi) For issuance of any other writ/writs, order/orders and direction/directions, in the ends of law, equity, justice and good conscience as the Hon'ble Court may deem fit in the facts and circumstances in the present case.”

During pendency of the writ application certain developments have taken place. Learned Senior Counsel for the petitioner submits that the petitioner has been paid 90% of the gratuity and the provisional pension to the extent of 90% has been earlier sanctioned during pendency of the proceeding under the Bihar Pension Rules. Leave encashment to the extent



of 185 days due has also been sanctioned, however, the same has not been paid.

It is further submitted that the final order has been passed by the disciplinary authority in the proceeding under the Bihar Pension Rules. Though the said final order has not been brought on the record, but the same has been read out by learned counsel representing the State.

It appears that the disciplinary authority has now imposed a punishment of forfeiture of 100% of pension of the petitioner. Learned Senior Counsel submits that so far as this order is concerned, liberty may be granted to challenge the order by filing an appropriate proceeding in accordance with law.

Learned counsel for the State submits that so far as payment of remaining 10% of the gratuity amount and the leave encashment amount are concerned, the respondents shall ensure such payments within a reasonable time.

Mr. Kumar Priya Ranjan, learned counsel representing the Accountant General submits that the authority slip for 90% of the gratuity amount has already been issued and stands paid. The Accountant General has also issued authority slip for payment of provisional pension of 90% for the period the petitioner will be held entitled prior to passing of the final order



in the proceeding under the Bihar Pension Rules.

In the above view of the matter, this writ application is being disposed off with a direction to the respondents to ensure payment of remaining 10% of the gratuity amount and the leave encashment amount to the petitioner within a period of two months from the date of receipt/production of a copy of this order.

So far as the liberty sought for on behalf of the petitioner is concerned, in the opinion of this Court the same being a fresh cause of action to the petitioner, the petitioner may proceed to seek her remedy as may be advised.

The Writ Application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

