

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11635 of 2018

=====

Mohammad Enamul Haque Son of Late Azizul Haque, resident of Mohalla-
Kabirpur, P.O. P.S.- Nathnagar, Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police C, Crime Investigation Department, Bihar,
Patna.
4. The Treasury Officer, Bhagalpur.
5. The Accountant General, Bihar, Birchand Patel Path, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.
For the Respondent/s : Md.Nadeem Seraj -Gp5

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 04-03-2021

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Accountant
General.

A supplementary counter affidavit has been filed on
behalf of the respondent nos. 2 and 3 today. Let the same be kept
on record.

The instant writ application has been filed by the
petitioner, who retired on 31.8.2009 as Sub-Inspector in C.I.D.,
Patna. The prayer made by writ petitioner is quoted here in below
for ready reference :-



“(i) For commanding Respondents to fix pension of petitioner Rs. 11560/- w.e.f. September, 2009 and make payment of difference of pension.

(ii) For commanding respondents to make payment of gratuity amount of Rs. 332921/- and interest of 12% per annum of this amount.

(iii) For commanding respondents to make payment of Rs. 1,09,790/- amount of pension with interest of 12% per annum.

(iv) For commanding respondents to grant of A.C.P. to petitioner.

(v) For grant any other relief for which petitioner is found entitled in facts and circumstances of the case.

(vi) For quashing letter no. Pen-6-1268 dated 31.10.2011 whereby and whereunder, Senior Account Officer of Accountant General Office informed the Superintendent of Police (C.I.D.) that deptt. has wrongly fixed salary of petitioner and accordingly, pension and other retrial dues can be fixed and follow up order was issued on 4.4.2012 for recovery of the extra amount and its adjustment. The petitioner further prays to return the deducted amount and re-fix pension etc. taking salary as 23,220/- and also make payment of arrear of pension.”

With respect to directing the respondents to grant ACP to the petitioner, it is submitted by learned counsel for the petitioner that the said grievance has been redressed. With respect to the other prayers relating to arrears of



difference of pension and gratuity as prayed for above, reference is made to the letter contained in memo no. 928 dated 2.6.2020 (Annexure-F) to the supplementary counter affidavit of respondent nos. 2 and 3 to submit that the request has been made by the said letter by the department to the Accountant General for making payment of arrears of difference under the heads of pension and gratuity.

It is further submitted in reference to paragraph no. 6 of the supplementary counter affidavit filed on behalf of the Accountant General that Authority dated 25.6.2020 (Annexure-B to the Supplementary counter affidavit of respondent no. 5) have been issued for payment of arrears to the petitioners. It is submitted that in spite of all attempts, learned counsel could not get in touch with the petitioner to verify as to whether the payments have actually been made. However, in case, these payments have been made, nothing may be surviving in the writ application.

It is submitted by learned counsel for the respondents that steps have been taken for payment for arrears of pension and gratuity and authorities have also been issued.



Having heard learned counsel for the parties and in view of the materials on records, the Court is of the opinion that no useful purpose would be served in keeping the application pending, the authority having been issued for payment of arrears of difference of pension and gratuity.

The writ application is disposed of.

However, in view of the facts as stated above, if for any reason, the amount under any head is not credited in the account of the petitioner, the petitioner shall be at liberty to file a representation within three months before the appropriate authority, who shall take steps in view of the statements made in the affidavits filed in the instant application and ensure payment within three months from the date of filing of the representation.

(Partha Sarthy, J)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	8-3.2021
Transmission Date	

