

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12726 of 2019

Umesh Ray, S/o Late Sudama Ray, Resident of Village- Wara, P.O.- Wara
Kharauni, P.S.- Bihiya, District- Bhojpur, At present at Central Jail, Buxar.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Health Department
Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar,
Patna.
3. The Director, Secondary Education, Bihar, Patna.
4. The District Education Officer, Arrah, Bhojpur.
5. The District Programme Officer (Secondary Education), Arrah, Bhojpur.
6. The Jail Superintendent, Central Jail, Buxar.
7. The Head Master, Nemi Chand Girls High School, Babu Bazar, Arrah,
Bhojpur.
8. The Treasury Officer, Arrah.
9. The Accountant General, Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.Smt.Binita Singh, S.C.28

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 08-03-2021 No one appears for the petitioner. Ms. Binita Singh,
learned S.C.-28 for the State is present.

This writ application has been filed seeking a
direction to the respondents to make payment of gratuity
amount, earned leave amount and the other admitted dues as per
the 6th Pay Revision Commission and also to make payment of
pension to the petitioner.

It appears from the facts of the case that the petitioner



was involved in a case being Bihiya P.S. Case No. 40 of 1986. He was convicted in the said case and was sentenced. He had surrendered in connection with the said case and remained in jail since 23.08.2013. He claims to have attained the age of superannuation on 30.11.2017.

In this case the State-respondent has filed counter affidavits. In the second supplementary counter affidavit it is stated that the petitioner has been found entitled for GPF, group insurance, earned leave encashment and arrear of salary only. Due to his conduct his pension and gratuity has been withheld vide letter no. 1300 dated 29.02.2020 (wrongly annexed as Annexure 'B' in the Annexure part of the supplementary counter affidavit though mentioned as Annexure 'C' in the Index and in the body of the affidavit). It is stated that the petitioner has been paid GPF, group insurance and earned leave encashment. In the third supplementary counter affidavit it is stated that arrear salary of Rs. 15,496/- has been paid to the petitioner.

In the given facts and circumstances of the case and the materials available on the record, this Court finds that this writ application has become infructuous.

The letter contained at Annexure 'B' to the supplementary counter affidavit has not been challenged by the



petitioner, therefore, the claim of the petitioner on account of gratuity and pension is not being adjudged in the present writ application.

In case the petitioner is dissatisfied with the decision of the respondent authorities as regards the withholdment of gratuity and pension, he will be at liberty to challenge the same by filing an appropriate application before the competent court.

In case the petitioner has still any other claim, he may make a representation to the respondent no. 2.

If the petitioner files any representation within a period of four weeks from today, respondent no. 2 shall consider and dispose of the same within three weeks from the date of filing of the representation.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

