

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9828 of 2017

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Bhuwaneshwar Raut Son of Sukeshwar Raut, Resident of Village- Bashia,
Post Office- Pipradhi, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Urban Development and Housing Department,
Bihar, Patna.
3. The Director, Panchayati Raj, Bihar, Patna.
4. The District Magistrate, Sitamarhi.
5. The District Magistrate, Sheohar.
6. The D.D.C.-cum- Chief Executive Officer, Zila Parishad, Sitamarhi.
7. The D.D.C.-cum- Chief Executive Officer, Zila Parishad, Sheohar.
8. The Director, Bihar Education Project, Patna.
9. The District Programme Officer, Sitamarhi.
10. The District Programme Co-ordinator, Bihar Education Project, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madhubala Verma, Adv.
For the Sheohar Zila Parishad: Mr. Nikesh Kumar, Adv.
For the State : Mr. R.Kumar Singh, A.C. to S.C.6
For the respondent Nos. 8 and 10: Mr. Girijesh Kumar, Adv.
(Bihar Education Project)

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 21-01-2021

Heard learned counsel for the petitioner, learned counsel
for the State, learned counsel for the Zila Parishad, Sheohar and
learned counsel for the Bihar Education Project.

The petitioner has filed the instant application for a
direction to the respondents to pay the retiral benefits of the
petitioner who retired on 31.3.2017 but the amounts under the
heads of provident fund, gratuity, leave encashment and pension



have still not been paid.

The case of the petitioner in brief is that he was initially appointed on the post of Peon in the year 1976 vide order passed under the signature of the Secretary, District Board, Sitamarhi. Subsequently, in the year 1993 vide order contained in memo no.215 Sitamarhi dated 30.9.1993 issued under the signature of Deputy Development Commissioner-cum-Chief Executive Officer and Secretary, District Board, Sitamarhi, the services of the petitioner was sent on deputation to the Bihar Education Project, Sitamarhi.

It is submitted by learned counsel for the petitioner that on 18.11.1997 bifurcation of the district of Sitamarhi took place and a new district Sheohar was carved out of the same. By order contained in memo no.332 dated 18.11.1997 issued under the signature of the Deputy Development Commissioner-cum-Chief Executive Officer, District Board, Sitamarhi, the services of the 11 employees mentioned therein were transferred to the District Board, Sheohar. The name of the petitioner herein figures at serial no.8 of the said list. It is the case of the petitioner that not having been relieved by the Bihar Education Project, Sitamarhi, where he was working on deputation, for joining at his new place of posting in Zila Parishad, Sheohar, he



continued on deputation itself and was able to join Zila Parishad, Sheohar only on 27.3.2017. He retired from Zila Parishad, Sheohar on 31.3.2017

Several counter affidavits have been filed on behalf of the respondents including the Zila Parishad, Sheohar as also on behalf of the Director, Panchayati Raj, Bihar, Patna.

In the counter affidavit filed on behalf of Zila Parishad, Sheohar it has been stated that even though the service of the petitioner was allotted to Zila Parishad, Sheohar, inspite of several letters and reminders, the petitioner never joined at Sheohar nor has he worked there. Thus, the contention of the petitioner that he be treated as an employee of Zila Parishad, Sheohar cannot be sustained and no direction should be given to the Zila Parishad, Sheohar for making payment of post retiral dues to the petitioner.

In the counter affidavit filed on behalf of the Director, Panchayati Raj, Bihar, Patna it has been stated that on bifurcation of the district of Sitamarhi and on formation of the Sheohar district, the services of the petitioner was handed over to the Zila Parishad, Sheohar. The petitioner having joined Zila Parishad, Sheohar on 27.3.2017 i.e before his retirement on 31.3.2017, he shall be treated a employee of the Zila Parishad,



Sheohar from the date of his joining and it would be the Zila Parishad, Sheohar and the Deputy Development Commissioner-cum-Chief Executive Officer of Zila Parishad, Sheohar who has been requested vide letter no.162 dated 8.1.2021 to grant all retiral benefits to the petitioner.

Having heard learned counsel for the parties and on having gone through the materials on record it transpires that on bifurcation of the district of Sitamarhi in the year 1997, the services of the petitioner along with 10 others was allotted to the Zila Parishad, Sheohar, the said order having been brought on record as Annexure-3 to the petition. With respect to the allotment of the services of the petitioner to Sheohar, the Zila Parishad, Sheohar in their counter affidavit have admitted to the fact that the service of the petitioner was allotted, however, their case is that since he did not join, they would not be liable for payment of his post retiral dues. It is not the case of the respondents- Zila Parishad, Sheohar that the petitioner had been proceeded against for his absence or any steps were taken consequent to his not joining at Sheohar. Thus the petitioner having retired on 31.3.2017 from Zila Parishad, Sheohar, it is directed that all the post retiral dues not already paid, shall be paid to the petitioner by the D.D.C.-cum-Chief Executive



Officer, Zila Parishad, Sheohar (respondent No.7) within a period of 4 months from the date of filing of the representation along with a copy of this order. In case the dues are not paid within the aforesaid period, the petitioner shall be entitled to an additional cost of Rs.10,000/-.

The writ petition stands disposed of with the aforesaid observations and directions.

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	29.01.2021
Transmission Date	

