IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15386 of 2017

==

Lakshman Prasad S/o Late Ram Dayal Prasad, Resident of Village-Nimej, P.S.-Barahmpur, Distt.-Buxar ... Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Principal Secretary, Panchayati Raj Govt. of Bihar, Patna
4. The Director, Panchayati Raj Govt. of Bihar, Patna
5. The Collector, Buxar, District-Buxar.
6. The District Panchayati Raj Officer, District-Buxar.
7. The S.D.O. Sadar, Buxar.
8. The Circle Officer Raj Pur, District-Buxar.
9. The Block Development Officer, District-Buxar.
10. The District Provident Fund Officer,Bhojpur.
11. The Accountant General, Birchan Patel Path, Bihar, Patna.

... ... Respondents

==

Appearance :
For the Petitioner : Mr.Hari Shankar Roy, Advocate
For the State : Mr. Satya Vrat, AC to GP 10.
For the AG, Bihar, Patna Mr.Kr.P.Ranjan, SC and Mr. Pallav, Advocate

==

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT
Date : 05-04-2021

Heard learned counsel for the petitioner and the respondents.

Writ petition has been filed by the petitioner for payment of pension with arrears, GPF amount with up to date interest, gratuity as per Rule 2009, dues of Earned Leave, GIC, dues of salary and ACP/MACP.

Case of the petitioner is that the petitioner was promoted from the post of Dalpati to the post of Panchayat Sewak in the year

1990. While posted at Rajpur, he was suspended with effect from 7.7.2012 which was recalled vide order dated 9.7.2014 (Annexure 2) with effect from 31.1.2014, i.e., with effect from the date of retirement and thus the petitioner superannuated from the post of Panchayat Sevak on 31.1.2014 from Buxar District.

Learned counsel for the petitioner submits that the BDO, Rajpur, Buxar vide Letter No.1449 dated 6.9.2016 (Annexure 4) directed for withholding of Rs. 5,02,498/- from the retiral benefits of the petitioner in light of alleged defalcation. He further submits that an amount of Rs.4,46,000/- has also been withheld in view of Certificate Case No.3/2013-14 and 4/2013-14, which is pending before Certificate Officer, Buxar. Learned counsel for the petitioner further submits that till date respondents have not issued authority slip for payment of pension and gratuity.

Counter affidavit has been filed on behalf of respondents no.5 to 9. In paragraph 19 of the counter affidavit, they have stated that the petitioner has already been paid most of the retiral benefits, reference to which has also been made in the said paragraph. Paragraph 2 of supplementary counter affidavit filed by respondent no.11 reveals that Pension Payment Order with respect to pension/family pension and gratuity has been issued on

9.2.2018. No re-joinder has been filed by the petitioner disputing or controverting this fact.

In view of the statements made in the counter affidavits, writ petition stands disposed of, as grievance of the petitioner has been redressed.

However, petitioner is granted liberty to file afresh representation before respondent authorities for rest of the admitted retiral benefits, if any, which shall be disposed of by the respondents in accordance with law as early as possible.

It is made clear that the petitioner has not challenged order of deduction made vide Letter No.1449 dated 6.9.2016 and withholding of amount on account of pendency of certificate proceeding, as such, no order is issued in this respect.

(Prabhat Kumar Singh, J)

Shashi

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.4.2021.
Transmission Date	NA