

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23478 of 2019

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Rameshwar Prasad Singh, aged about 69 years, Male, Son of Late Badrinarayan Singh, resident of Village Saraiya, P.S. and District Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Bihar, Patna.
2. The Secretary, Health Department, Govt. of Bihar, Patna.
3. The Director in Chief, Health Services, Bihar, Patna.
4. The Chief Engineer, Water Resources Department, Dehri-on-Sone, Rohtas.
5. The Engineer in Chief, Water Resource department Indrapuri, Rohtas.
6. The Chief Engineer Irrigation Creation Water Resources Department, Dehri, Rohtas.
7. The Superintending Engineer, Durgawati Construction Circle, Inner Dam, Rohtas.
8. The Executive Engineer, Durgawati Dam Division - II Inner Dam, Chenari, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Naresh Chandra Verma, Advocate Mr. Pradhan Murli Manohar Prasad, Advocate Mr. Raju Kumar Goswami, Advocate
For the State	:	Mr. Vinay Kirti Singh, G.A.2 Mr. Sumant Kumar Singh, A.C. to G.A.2

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 04-02-2021 Heard both sides.

The petitioner in this writ petition seeks direction to the respondents to pay the entire post retiral dues, such as, pension, gratuity, leave encashment, Group Insurance, General Provident Fund and further seeks direction for grant of 1st and 2nd ACP after completion of 12 and 24 years of service.

Learned counsel for the petitioner submits that the



petitioner was appointed on the post of Civil Assistant Surgeon-cum-Chief Medical Officer on 01.01.1980 in the office of the Chief Engineer, Indrapuri and the service of the petitioner was regularized w.e.f. 02.10.1984. The petitioner was absent from duty from 01.02.1998 to 18.03.1999, but no departmental proceeding was initiated. Again the petitioner did not join his service till the date of his retirement. It is further submitted that the petitioner was posted in the area affected with Naxal activities.

Counter affidavit is filed. Learned counsel for the State submits that on the basis of the service rendered by the petitioner, Group Insurance and GPF have already been sanctioned for payment. The pension papers of the petitioner has already been prepared and is likely to be sent to the office of the Accountant General.

Having considered the facts aforesaid, it is admitted that the petitioner worked for about 18 years from the date of his initial appointment on 01.01.1980 till 01.02.1998 and thereafter the petitioner voluntarily remained absent from his service till his retirement and, therefore, he is not entitled to get any salary for the period of absence.

Having considered the facts, I dispose of this writ



petition with a direction to the respondents to calculate the
retiral benefits of the petitioner only for the period he rendered
service and make payment within four months from the date of
receipt of this order.

With the aforesaid direction, this writ petition stands
disposed of.

(Prabhat Kumar Jha, J)

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