

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8337 of 2021

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Akhilesh Nandan Choudhari Resident of Village and Post - Karwan, P.S. Ara
Mufassil, District- Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar, Through the Principal Secretary, Department of Social Welfare, Bihar Patna
2. The Director, I.C.D.S., Social Welfare Department, Bihar, Patna
3. The District Magistrate, Bhojpur at Ara
4. The District Programme Officer, I.C.D.S., Bhojpur at Ara
5. The Child Development Project Officer, Sandesh, District- Bhojpur.
6. The Child Development Project Officer, Tilhauti, District- Bhojpur
7. The District Provident Fund Officer, Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Fakhruddin Ali Ahmad, Advocate.
For the Respondent/s : Mr. Lala S. N. Rais, AC to GP-2.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 04-11-2022

Heard Mr. Fakhruddin Ali Ahmad, learned counsel for
the petitioner and Mr. Lala S. N. Rais, learned AC to GP-2 for the
State through video conferencing.

2. The present application has been filed for the
following reliefs:-

(a) To direct the respondents to fix the pension and to pay all
retiral-cum-pensionary benefits to the petitioner like provident fund,
Gratuity, earned leave etc. in the light of the recommendation of
Seventh Pay Commission.



(b) To direct the respondent make revision of pay-scale of petitioner in the light of recommendation of Seventh Pay Commission and make payment of arrears of pay from date of entitlement.

(c) To grant any other relief-reliefs for which the petitioner is entitled under the facts and circumstances of the instant writ petition.

3. Submission has been made on behalf of the learned counsel for the petitioner that the petitioner was initially appointed in the Mass Education project (Anopcharik Jan Shiksha Karyakaram) of Education Department on the post of clerk-cum-typist way back in the year of 1985. In view of the government decision the services of the petitioner has been absorbed in Social Welfare Department vide memo no. 421 dated 10.01.2006. It is further submitted that finally the petitioner superannuated from his service on 31.01.2021, while serving in the office of C.D.P.O, Sandesh, Bhojpur. It is next contended that save and except the GPF amount, no other retiral benefits has been paid to the petitioner on account of non-availability of his service book, though the respondent authorities were custodian of the service book.

4. On the other hand, learned counsel for the State with reference to the averments made in the counter affidavit submits that time without number the petitioner has been asked to submit his original service book, apart from the fact that several request



letters have been sent to the concerned authorities for submission of necessary documents relating to the services of the petitioner but the same is still awaiting. It is submitted that from the statement made in the writ application, it appear that the original service book of the petitioner was lost way back in the year 2010, however, the petitioner has never taken any action for re-construction of his service book.

5. Be that as it may, it is evident that the respondent being employer of the petitioner was the custodian of the service book and in case of any loss of service book, the authorities are under legal obligation to re-construct the same.

6. In view of the aforesaid submissions and the materials available on the record this court deems it apt and proper to dispose of this writ application with a direction to the Director I.C.D.S., Social Welfare Department, Bihar, Patna to look into the matter and ensure re-construction of service book of the petitioner forthwith.

7. The petitioner is further directed to file a detail representation before the Director I.C.D.S., Social Welfare Department, Bihar, Patna, along with necessary papers in support of his claim and in case such representation is filed, the respondent no.2 shall dispose of the same by reason and speaking



order, preferably within a period of eight weeks from the receipt of the representation.

8. It is needless to say that the admissible retiral benefits and other outstanding dues must be paid to the petitioner within the aforesaid period.

9. Accordingly, the present writ application stands disposed of with the aforesaid direction and observation.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.11.2022
Transmission Date	NA

