IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5456 of 2022

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Upendra Jha S/o Late Ramakant Jha R/o Village- Silaut Basudeo, P.O.- Mahammad Pur Susta, P.S.- Maniyari, District- Muzaffarpur.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Director, Panchayati Raj Department, Government of Bihar, Patna.
4. The Accountant General, Bihar, Birchand Patel, Patna, Patna.
5. The Provident Fund Commissioner, Bihar, Patna.
6. The District Magistrate, Muzaffarpur, District- Muzaffarpur.
7. The District Panchayati Raj Officer, Muzaffarpur, District- Muzaffarpur.
8. The District Provident Fund Officer, Muzaffarpur, District- Muzaffarpur.
9. The Block Development Officer, Aurai, District- Muzaffarpur.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arinjay Kumar, Advocate.

For the Respondent/s : Ms. Archana Meenakshee (GP- 6)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 24-11-2022 Heard Mr. Arinjay Kumar, learned counsel for the petitioner and Ms. Archana Meenakshee, learned GP-6 for the State.

In compliance of the order of this Court dated 20.10.2022, a counter affidavit has been filed on behalf of the respondent nos. 6, 7 and 9.

By referring to the statements made in the counter affidavit, it is submitted that that entire admitted retiral/outstanding benefits including the amount towards GPF to the tune of Rs. 2,28,706/-, Earned Leave (Rs. 6,64,340/-), Group Insurance (Rs. 81,910/-) and Gratuity (Rs. 4,75,752/-) have stood paid to the petitioner. It is further submitted that so far the arrears of salary of the petitioner is concerned, the same have been calculated and processed for payment vide sanction order contained in memo no. 1521 dated 01.11.2022 and an undertaking is given that the same would be paid immediately. It is next submitted that so far the fixation of pension is concerned, the original service book and pension form in two copies have been sent to the Accountant General Bihar vide memo no. 1542 dated 08.11.2022 by the BDO, Aurai.

At this juncture, learned counsel for the petitioner submits that the petitioner superannuated on 31.08.2015 from the post of Panchayat Sevak/Secretary and the payment of some of the retiral/outstanding dues have been made after more than 6 and 7 years and as such, he prays for interest over the delayed payment, in view of the various judgements rendered by this Hon'ble Court in different matters.

Considering the submissions and the materials available on record prima facie the substantive amount of retiral/outstanding dues have stood paid to the petitioner and so far the fixation of pension is concerned, the service book and the pension form have already sent to the Account General. This court thinks it proper to disposed of the matter with a direction to the Accountant General, Bihar to ensure the issuance of pension payment order as early as possible preferably within a period of four weeks from the date of receipt/production of a copy of this order.

It is needless to say that after issuance of the PPO order/authority slip, the Treasury Officer would be under obligation to ensure necessary payment.

In view of the submissions made on behalf of the petitioner that delay has caused in ensuring the payment of retiral/outstanding dues, the petitioner is directed to file a representation before the respondent no. 3, if such a representation is filed along with the materials in support of his claim, he shall consider the same and pass a reasoned and speaking order within a period of eight weeks.

It is needless to say that if the petitioner would be found entitled for any interest over the delayed payment, the same shall be made within a period of further four weeks thereafter.

Accordingly the present writ application stands disposed of.

(Harish Kumar, J)

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