IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11058 of 2021
In
Civil Writ Jurisdiction Case No.221 of 2004

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Dinanath Prasad Son of Kunjan Singh @ Kunjan Yadav Resident of Village-Bhagoi Tola, Nil Kothi, P.S.- Haspura, District- Aurangabad (Bihar).

... ... Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Finance Department, Patna.
2. The D.G.P. Bihar Patna.
3. The D.I.G. (B.M.P.) Phulwarisharif, Patna.
4. The Inspector (S) B.M.P.-5 Patna.
5. The Principal Secretary General Administration Department, Government of Bihar, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Naval Kishore Singh, Advocate Mr. Ranjit Kumar, Advocate
For the Respondent/s	:	Mr. Manoj Kumar (AC to GP 4)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 15-11-2022

Heard Mr. Naval Kishore Singh, learned counsel appearing on behalf of the petitioner and Mr. Manoj Kumar, learned AC to GP 4.

2. The present application has been filed seeking a direction upon the respondent to ensure payment of General Provident Fund (hereinafter referred to as 'the GPF'), earned leave, leave encashment, insurance, gratuity and arrears of salary for the period 1992 to 19.01.2000.

3. Learned counsel for the petitioner submits that the petitioner was appointed as 'Constable' in Bihar Military Police on

18.06.1992. However, on account of over staying on leave/unauthorized absence, he was put under departmental proceeding, which was finally culminated with the order of dismissal from service. It is further submitted that the petitioner on being aggrieved by the order of dismissal, preferred appeal, which stood dismissed vide order dated 19.12.2000 by the appellate authority. Thereafter, a memorial was also preferred, which resulted into the same fate. The petitioner further challenged the order of dismissal before this Court in CWJC No. 221 of 2004 which was finally dismissed vide order dated 05.07.2010. It is next contended that till date no retiral benefits have been assigned to him.

4. On the other hand, Mr. Manoj Kumar, by referring to the statements made in the counter affidavit, vehemently submitted that as the petitioner has been dismissed from his service on account of grave misconducts of unauthorized absence, he is not entitled for any pension under "Bihar Pension Rule" and in support of his submission he relied upon Rule 27, 46 and 101 of the "Bihar Pension Rule", 1950. He further contended that so far the amount under Group insurance is concerned, the same has already been sanctioned and has been sent to the Treasury Officer, Patna for payment on 02.07.2021, itself. It is also submitted that so far the

deduction statements of General Provident Fund for the period 1994-1995 to 1998-1999 is concerned, the same has also been sent to the Directorate, Provident Fund, Patna for issuance of Authority slip vide Memo No. 2445 dated 28.06.2021.

5. Having heard the learned counsel for the parties and considering the materials available on record, this writ application is disposed of, with a direction to the concerned Treasury Officer, Patna to ensure the payment of the Group insurance and admissible statutory interest preferably within a period of four weeks from today, if not paid. This Court further directs the Directorate, Provident Fund, Patna for the issuance of the Authority slip, if not issued till date and ensure the actual payment preferably within a period of eight weeks from the date of receipt/production of a copy of this Order. It is made clear that if this Court will find any indifferent approach or recalcitrant attitude in not ensuring the payment of the aforesaid amounts, appropriate Order would be passed against the erring officials.

6. Accordingly, the present writ application stands disposed of.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.11.2022.
Transmission Date	NA