

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1127 of 2021

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SANTOSH KUMAR Son of Jagnarayan Mahto Resident of Holding No. 1292, Railway Hunder Road Near Durga Mandir, Kadamkuan, East Lohanipur, P.s.- Kadamkuan, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Building Construction Department, Govt. of Bihar, Nirman Bhawan, Bailey Road, Patna
2. The Chief Engineer, Building Construction Department, Govt. of Bihar, Nirman Bhawan, Bailey Road, Patna
3. The Superintending Engineer, South Bihar Circle, Building Construction Department, Govt. of Bihar, Patna
4. The Assistant Engineer, South Bihar Circle, Building Construction Department, Govt. of Bihar, Patna
5. The Executive Officer, Garden Division Building Construction Department, Off. Bailey Road, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukund Mohan Jha, Advocate.
For the Respondent/s : Mr. Mahendra Prasad Verma, AC to SC 20.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 07-11-2022

Heard Mr. Mukund Mohan Jha, learned counsel for the petitioner and Mr. Mahendra Prasad Verma, learned AC to SC 20 for the State.

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

(i) That the concerned respondents be directed to any the retiral benefits admissible to the petitioner viz (a) the amount of Gratuity, (b) Commutation of pension amount, (c) Leave Encashment,



(d) Earned Leave, (e) G.P.F., (f) Insurance and other relief as petitioner is entitle.

(ii) That the concerned respondent be also directed to start the pension of the petitioner has yet not been regularized on account of official wrangle only.

(iii) That the concerned respondent be also directed to pay interest on the delay payment of pensionary benefits till the date of its final payment.

(iv) That any other relief or relief's to which the petitioner deemed entitle be given to him.

Learned counsel for the petitioner submits that the petitioner was a permanent employee working on the post of Gardener, superannuated on 31.10.2017 from the Building Construction Department (Garden Division). It is further contended that though the petitioner superannuated way back in the year 2017, itself but the admissible retiral dues/benefits of the petitioner has not been allowed compelling him to approach before this court.

On the other hand, learned counsel for the State by referring to the averments made in the counter affidavit filed on behalf of the respondent nos.1 to 5 submits that during the pendency of the present application, the admissible retiral dues of the petitioner has been paid. He further submits that an amount of



Rs.1,50,766/- under the head of group insurance had already been sanctioned on 18.10.2017, itself and paid to the petitioner through treasury office, Patna. He also submits that an amount of Rs. 4,70,797/- under the head of General Provident Fund has also been paid to the petitioner, as contained Annexure B and C to the counter affidavit. He next submits that the petitioner has been paid 90 per cent of the provisional pension upto 31.05.2021 and thereafter, the fixation of the salary of the petitioner has been processed as per the 6th Pay Revision. It is next submitted that on account of unauthorized leave in different years during the service period of the petitioner and after adjustment of the same no leave encashment amount remains to be paid to the petitioner.

At this juncture, learned counsel for the petitioner submits that from the averments made in the writ application, it appears that only the substantive grievance of the petitioner has been redressed and still some outstanding dues remains pending with the department.

Having heard the parties, submissions made on behalf of the parties and considering the materials available on record, this writ application is disposed of with a direction to the petitioner to file representation before the respondent Executive Officer, Garden Division, Building Construction Department, within four



weeks from today and if such representation is filed before the concerned authority, he shall dispose of the same by reasoned and speaking order within a further period of six weeks.

It is needless to say that if the petitioner would be found entitled to any outstanding dues towards his retiral benefits under any head, necessary consequential order for payment of the same would be passed in the aforesaid stipulated period.

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

(Harish Kumar, J)

manoj/-

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

