

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1232 of 2021

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Syed Reyazuddin @ Md. Reyajauddin, Son of Abdul Qyum @ Sayad Kium,
Resident of Village and P.O. Urain, P.S. Kajra, District-Lukhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. Deputy Inspector of Police, Champaran Range Bettiah.
4. The Superintendent of Police, Bettiah, West Champaran.
5. Deputy Superintendent of Police, Bettiah.
6. The District Provident Fund Officer, Bettiah.
7. The Treasury Officer, Lukhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad, 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 : 07-11-2022

Heard Mr. Raj Nandan Prasad, learned counsel for the
petitioner and Mr. Manoj Kumar, learned AC to GP 4 for the State.

The present application has been filed seeking a
direction upon the respondents for payment of gratuity, leave
encashment and G.P.F. amount, apart from the other outstanding
dues along with up-to-date statutory interest.

Learned counsel for the petitioner submits that the
petitioner was appointed as Constable in Bihar Police Service in
June 1980. However, on account of the charge of over staying his
leave for a period of 125 days, a disciplinary proceeding was
initiated and the same was concluded by an order terminating the



service of the petitioner, vide memo no. 1547 dated 31.07.1998. He further submits that after having failed in the departmental appeal vide order dated 20.04.2020, passed by Deputy Inspector General, Champaran Range, Bettiah, the petitioner approached before this court by filing CWJC No. 8595 of 2000. However, the said writ application was dismissed by order dated 06.12.2007 as contained in Annexure-1 to the writ application. He next submits that the petitioner thereafter submitted his application before the Superintendent of Police, Bettiah, West Champaran for payment of the retiral benefits as stated in para no.1 of the writ application, however no payment has been made.

On the other hand, learned counsel for the respondent State submits that admittedly the petitioner was dismissed from his service on account of unauthorized absence from a discipline force, which is a grave misconduct as has been held by various judgment of the Hon'ble Apex Court time without number. He next submits that though the petitioner is not entitled for pension and gratuity, however, he is entitled for the other remaining retiral benefits and in this regard the Assistant Inspector General of police (Inspection) Bihar, Patna, vide its letter No. 1103 dated 26.10.2021, informed the Superintendent of Police, West Champaran at Bettiah to ensure payment of admissible retiral



benefits except the amount of pension and gratuity. He further submits that the deduction statement of the provident fund of the writ petitioner for the period of 1980-81 to 1998-99 has been sent to the office of the District Provident Fund Officer and after issuance of the authorities slips for final withdrawal, the payment shall be made to the petitioner.

From the aforesaid submissions made on behalf of the parties and the material available on record, it is evident that the letters from the Assistant Inspector General of police (Inspection) Bihar, Patna, has been issued way back on 26.10.2021, communicated to the Superintendent of Police, West Champaran at Bettiah as well as District Provident Fund Officer, West Champaran at Bettiah, but till date no payment has been made. Hence, this court left with no option but to dispose of the writ application with a direction to the Superintendent of Police, West Champaran at Bettiah, to ensure the admissible retiral dues of the petitioner as has been averred in the counter affidavit, as early as possible preferably within a period of six weeks from the date of receipt/production of copy of this order, failing which, the petitioner would be entitled for statutory interest over the remaining retiral dues and the same would be realized from the erring officials.



Accordingly, the present writ application stands disposed of.

(Harish Kumar, J)

manoj/-

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

