

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1280 of 2021

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Mohan Lal Sah Son of Nand Lal Sah Resident of Semapur Bazar, P.S.- Barari,
District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Water Resources Department, Bihar, Patna.
3. The Secretary, Minor Water Resources Department, Bihar, Patna.
4. The Engineer-in- Chief (Central), Water Resources Department, Bihar, Patna.
5. The Engineer-in- Chief, Minor Water Resources Department, Bihar, Patna.
6. The Chief Engineer, Minor Water Resources Department, Patna.
7. The Executive Engineer, Minor Irrigation Division, Kaimur at Mohania.
8. The Director, Provident Fund, Indira Bhawan, Patna.
9. The Accountant General of Bihar, Veer Chand Patel Path, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Nath Pathak, Advocate
For the Respondent/s : Mr. Kunal Tiwary (AC to GA 2)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 07-11-2022

Heard Mr. Prabhu Nath Pathak, learned counsel
appearing on behalf of the petitioner and Mr. Kunal Tiwary,
learned AC to GA 2.

2. The present application has been filed seeking
direction upon the respondents to pay all the retiral dues of the
petitioner, including pension, gratuity, leave encashment for 300
days and provident fund with statutory interest till actual payment
is made.

3. The case of the petitioner is that he was appointed as
Junior Engineer on 25.01.1979 and, thereafter, he was promoted to



the post of Assistant Engineer in the month of March 2010 in Water Resources Department in Patna and, thereafter, his service was sent to Minor Irrigation Department and was posted in Nalkup Division, Mohania under Minor Water Resources Department in Patna, from where he superannuated on 30.09.2012. It is further submitted that though he superannuated, way back in the year 2012 itself, but till date no retiral benefits have been bestowed upon him, save and except the amount under the head of General Provident Fund. He next contended that the Department on the pretext of non availability of service book has been making correspondences from authorities of the Water Resources Department and Minor Irrigation Department, but neither the service book has been retrieved nor any direction has been issued for construction of fresh service book, though the petitioner is facing acute hardship, on account of non payment of his hard earned money.

4. On the other hand, learned counsel for the State referring to the averments made in paragraph nos. 8 and 9 of the counter affidavit, filed on behalf of the respondent nos. 3 to 5 fairly submits that be that as it may till date, the service book of the petitioner has not been received in the Water Resources Department from Minor Irrigation Department and he submits that



as soon as the pension papers of the petitioner and other required documents is made available to the Water Resources Department, the post retiral benefits of the petitioner will be sanctioned, immediately. He next submits that, however, in the facts of the present case, the petitioner is not entitled to get any interest, as he himself appears to be responsible in causing delay in submission of his pension papers.

5. In response to the aforesaid submissions, learned counsel for the petitioner relied upon the letter issued by Finance Department, as contained in resolution no. 3014 dated 31.07.1980 which clearly deals with the procedure for grant of pension, gratuity and expeditious payments, thereof. He also takes reliance of Annexure 5 to the writ application, which specifically deals with payment of interest on delayed payment of all kinds of pension, including family pension and death-cum-retiral gratuity issued by Finance Department, as contained in memo no. PC-2-1-46/79/3155 dated 07.11.1981.

6. Regard being had to the submissions made on behalf of the parties and considering the averments made in the counter affidavit, the present writ application is disposed of with a direction to the Principal Secretary, Water Resources Department, Bihar, Patna to look into the matter and ensure construction of



service book of the petitioner, as early as possible, preferably within a period of six weeks from the date of receipt/production of the copy of this Order. It is needless to say that in the process of construction of service book, the petitioner would also extend his co-operation, if need be. This Court further directs the respondent no. 2 and other concerned respondents to ensure the payment of all the admissible retiral dues of the petitioner, within a further period of eight weeks. The respondent authorities would also under obligation to consider the claim of the petitioner for interest over the delayed payment in the light of the letters/resolutions mentioned, hereinabove.

7. While parting with this Order, this Court makes it clear that in case, there would not be any substantial compliance of the Order, within the stipulated period, the petitioner would be entitled for statutory interest over the due amount, which would be realised from the Erring Officials.

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

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.11.2022.
Transmission Date	NA

