

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17260 of 2021

=====

Akshayabar Ram Son of Late Ram Kisun Ram Resident of Mohalla- Indra Narayan Colony, Road No.- 01, Near Pardih Chowk, P.O.- Pardih, P.S.- Azadnagar, District- East Singhbhum, State- Jharkhand. Retired Assistant Engineer, Local Area Engineering Organization (L.A.E.O.), Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Principal Secretary, Planning and Development, Government of Bihar, Patna.
4. The Chief Engineer, Planning and Development, Local Area Engineering Organization (L.A.E.O.), Government of Bihar, Patna.
5. The Superintending Engineer, Local Area Engineering Organization (L.A.E.O.), Works Circle, Saharsa.
6. The Executive Engineer, Local Area Engineering Organization (Works Division), Madhepura.
7. The Accountant General (Bihar), Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Suraj Kumar, Advocate.
	:	Mr. Pramod Mishra, Advocate.
For the Respondent/s	:	Mr. Prem Ranjan Raj, AC to SC 7.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 10-11-2022

Heard Mr. Suraj Kumar, learned counsel for the petitioner duly assisted by learned counsel, Mr. Pramod Mishra and Mr. Prem Ranjan Raj, learned AC to SC 7 for the State.

The present application has been filed seeking direction upon the respondent to ensure payment of all his retiral benefits, including, pension, gratuity and leave encashment along with the statutory interest on the delayed payment.



Learned counsel for the petitioner submits that the petitioner superannuated from the post of Assistant Engineer, Local Area Engineering Organization, Madhepura on 31.10.2015 and after his retirement, he has received only the amount of his G.P.F and GIC and no other payments have been made till date.

A supplementary counter affidavit has been filed on behalf of the respondent no.2, stating therein the in compliance of the order dated 01.09.2022, passed by this court, 90 per cent of pension and gratuity has been sanctioned in favour of the petitioner, however, on account of non deposit of the advance of Rs.57,72,500/-, the petitioner was directed to submit the bill, and he has submitted the bill, which is found to be forged and fabricated and on account of aforesaid misdeed, an FIR has been instituted against him and the judicial proceeding is still pending.

At this juncture, learned counsel for the petitioner seeks permission to assail the order of adjustment/deduction of the aforesaid amount from the retiral benefits of the petitioner.

Contesting the aforesaid submissions learned counsel for the petitioner vehemently submitted that the entire action has been taken behind the back of the petitioner without any show cause notice or giving any opportunity of hearing.



Considering the submissions made on behalf of parties the present application stands disposed of with a liberty to the petitioner to assail the order of adjustment/deduction by filing appropriate application/petition, if so advised.

It is needless to say that if certain amount towards any outstanding retiral benefits is still found due in favour of the petitioner, the same shall be paid forthwith.

Accordingly, the present application stands disposed of with aforesaid liberty.

(Harish Kumar, J)

manoj/-

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

