

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22214 of 2018

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Awadh Bihari Prasad Son of Late Yugal Kishor Prasad R/O- Godawari Post -
Chand Chaura, Bhairo Asthan Mandir, P.s. Rampur, Pin- 823001, Distt. Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Block Development Officer, Mohanpur, P.s. Mohanpur, Distt. Gaya
3. The Block Development Officer, AMAS P.s. Amas, Distt. Gaya.
4. The Circle Officer, Amas Block P.s. Amas, Distt. Gaya
5. The block Development Officer Wazirganj P.s. - Wazirganj, Distt. Gaya.
6. The Block Development Officer, Paraiaya P.s. Paraiaya, Distt. Gaya.
7. The District Magistrate, Gaya, Collectorate Building, Gaya. 823001

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rohit Tripathi, Advocate

For the Respondent/s : Mr. Wasi Ahmad Khan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 18-05-2023

Heard Mr. Rohit Tripathi, learned Advocate for the
petitioner and Mr. Wasi Ahmad Khan for the State.

This writ petition has been filed seeking a
direction to the respondents to forward the last pay
certificate of the petitioner, consequent to his transfer
from Wajirganj Block to Parayia Block way back in the year
2008 and transfer from Amas Block to Mohanpur Block in
the year 2017, as also for a direction to make payments of
salary due as well as all the financial benefits which may



have accrued to the petitioner including the second and the third ACP, without any delay.

There is a further prayer in the writ petition of seeking salary for the period from September, 2008 to June, 2009 and from July, 2017 till the last working day and all consequent benefits which may have accrued to him during this period.

It appears that most of the dues of the petitioner have been paid. From the consolidated counter affidavit filed on behalf of the State, it further appears that the petitioner has been paid the arrears of salary as also his Group Insurance.

However, since the petitioner was absent for three months continuously without any information to his employer, the salary for the aforementioned period has not been paid to him.

Pension of the petitioner has not been fixed only for the reason of the petitioner not having furnished necessary details for the pension to be fixed despite



repeated reminders, the details of which have been provided in the counter affidavit.

The petitioner appears to have sent the documents demanded of him by post, which otherwise would have served the purpose but for the necessity of obtaining specimen signature, without which, No Dues Certificate cannot be issued in favour of the petitioner.

The counter affidavit further indicates that certain documents which ought to have returned by the petitioner on his demitting the office have been held back by him. Even the original *Khatiyān* and the Demand-Registers, according to the counter affidavit, have not been returned by him.

This is definitely a serious matter which disentitles the petitioner, if the allegations are proved, to get any relief from this Court.

However, Mr. Tripathi submits that according to his instructions, all the documents especially the Title documents about which there is reference in the counter



affidavit, have been returned in the office and the only reason for non-deposit of such documents within time was his heart ailment.

Under the aforesaid circumstances, this Court deems it appropriate to direct that in case the petitioner appears before the District Magistrate, Gaya with all the documents in his possession and the necessary documents which would be required for fixing his pension within a period of four weeks of passing of this order, the District Magistrate, Gaya shall have it accepted through the concerned officer and shall direct for payment of the genuine dues of the petitioner but not without ascertaining whether any Title document of third party has been held back by him.

In case it is found that any of the Title documents have not been returned by the petitioner in his capacity as having served as Revenue Officer, necessary consequential action shall be taken against him.



With the aforesaid direction/observation, the writ
petition stands disposed of accordingly.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.05.2023
Transmission Date	na

