

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1624 of 2023

=====

Asharfi Thakur, S/o Late Rajendra Thakur, R/o Mohall Shivanagar Sant Kabir
Road Banu Chhapar Bettiah P.S. Bettiah Town Dist West Champaran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary of Water and Resources Department Government of Bihar at Patna.
2. The Engineer in Chief, Water and Resources Department Government of Bihar at Patna.
3. The Chief Engineer, Water and Resource Department (Irrigation Sirjan) Government of Bihar at Motihari.
4. The Executive Engineer (Don Canal Division Ramnagar), at Ramnagar Dist. W. Champaran.

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate
For the Respondent/s : Mr. Sunil Kumar, AC to AAG-4

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 07-08-2023

Heard Mr. Dhannjay Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Sunil Kumar,

learned AC to AAG-4 for the State.

2. In the present writ petition the petitioner has

prayed for following relief:

“[A] For issuance an appropriate writ in nature of Mandamus or any other appropriate writ / writs or order/s or direct/s commanding the respondents to pay Gratuity, Group Insurance, Provident Fund, Leave encashment and pension with interest and other admitted dues with statutory interest.

[B] Any other relief or reliefs for which the petitioner is found to be entitled.”



3. Learned counsel appearing on behalf of the petitioner submits that the statement made in paragraph no.8 of the counter affidavit is incorrect. So far as the allegation made by the Execute Engineer, Done Canal Division, Ramnagar is concerned, he had requested the petitioner to make available his previous place of posting at earliest so that his retiral benefit could be sanctioned. Learned counsel further submits that so far as the claim and places of posting is concerned, he has already mentioned the aforesaid facts in his Representation dated 24.05.2022. The Execute Engineer, Done Canal Division, Ramnagar, for the reasons best known to him, has made such objection without verifying the fact that subsequent to the letter no. 26, dated 12.01.2022, the petitioner had given all the details in his representation dated 24.05.2022 in compliance of the query made by the Execute Engineer.

4. Per contra learned counsel appearing on behalf of the Respondents submits that petitioner is himself responsible for the delay by submitting the details which delayed in processing the payment of retiral dues.

5. Considering the rival submissions made by the parties and the fact that the required information as sought vide letter no. 26, dated 12.01.2022 has already been submitted by



the petitioner along with his details representation before the
Execute Engineer, Done Canal Division, Ramnagar. The
Execute Engineer, Done Canal Division, Ramnagar (Respondent
No.4) is directed to make payment of all retiral dues on different
heads to the petitioner including sanction of the due pension
payable to the petitioner within a period of six weeks. In case
the petitioner is still required to discharge any paraphernalia or
certain forms are required to be filled up the same must be
checked and submitted by the petitioner in accordance with law
within the aforesaid period for expeditiously payment of his
retiral dues.

6. With the above observations and directions the
writ petition stands disposed of.

(Purnendu Singh, J)

manish/minu

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.08.2023
Transmission Date	

