

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10783 of 2017

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Gajendra Pathak, Son of Late Ratilal Pathak, Resident of Village- Awapur,
Police Station-Pupri, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Tirhut Division at Muzaffarpur.
3. The District Magistrate, Sitamarhi.
4. The District Provident Fund Officer, Siramarhi, District-Sitamarhi.
5. The Treasury Officer, Sitamarhi, District-Sitamarhi.
6. The Block Development Officer, Choraut, Police Station-Pupri, District-Sitamarhi.
7. The Accountant General Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Advocate
For the Respondent/s	:	Mr. Rewti Kumar Suman, AC to SC-11
For the A.G.	:	Mr. Raj Nandan Prasad, Advocate
		Mr. Vishesh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 16-03-2023 Heard Mr. Uday Kumar, learned counsel appearing on behalf of the petitioner, Mr. Raj Nandan Prasad, learned counsel appearing on behalf of the Accountant General, Bihar, Patna and Mr. Rewti Kumar Suman, learned AC to SC-11 for the State.

2. Learned counsel appearing on behalf of the petitioner informs this Court that all the retiral dues payable to the petitioner has been sanctioned. However, vague statement has been made by the respondents no. 3 and 6 that the Block Development Officer, Pupri has made a communication to the Accountant General, Bihar vide letter no. 369, dated 08.02.2021



along with the pension paper of the petitioner.

3. Learned counsel appearing on behalf of the respondent submitted that the allegation against the petitioner is that of a loss of of Rs. 27,10,950/- which was required to be adjusted and in absence of the vouchers of payments made to the beneficiaries or any evidence to that effect, the petitioner is required to deposit the amount in Nazarat of Choraut Block. By referring paragraph No. 9 of the counter affidavit, he further submitted that all the retiral dues payable to the petitioner has been processed and the same will be paid to the petitioner subject to the production of evidence in support of the loss.

4. Considering the fact that the respondents have already sanctioned the dues payable to the petitioner on different heads as contained in paragraph No.9, which *inter alia* reads as under:

“9. That in spite of the defalcation of the abovementioned Government money by the petitioner following action have been taken for payment of salary and retiral to the petitioner after retirement of the petitioner:-

(a) The amount deposited in G.P.F.A/C SIT/RDD-363 in the tune of Rs. 2,15,764/- (Rupees Two lacs fifteen Thousand Seven Hundred Sixty Four) only vide Bill No.25/2017-18.

(b) Arrear Salary for the period from 01.05.2009 to 28.02.2013 in the tune of Rs. 7,47,646/- (Rupees Seven lac Forty Seven Thousand



Six Hundred Forty Six) only vide No.74/2018-18.

(c) Arrear Salary for the month of January 2016 in the tune of Rs.28, 396/- (Rupees Twenty Eight Thousand and Three Hundred Ninety Six) only vide Bill No.75/2017-18.

(d) The petitioner the amount deposited in Group Insurance Scheme in the tune of Rs. 29065/- (Rupees Twenty Nine Thousand Sixty Five) Only has already been paid to the petitioner vide bill No.76/2017-18.

(e) Pay equivalent to unutilized leave of 300 days in the tune of Rs.2,73,150/- (Rupees Two lacs Seventy Three Thousand one Hundred Fifty) only vide Bill No.77/2017-18.

(f) Provisional Gratuity in the tune of Rs.2,85,808/-(Rupees Two lacs eighty Five Thousand Eight Hundred Eight) only vide Bill No.126/2017-18.

(g) As per information communicated by the Block Development Officer, Pupari vide letter No.369 dated 08.02.2021 the pension paper of the petitioner has been sent to the A.G. Bihar vide letter No.264 dated 06.02.2021.”

5. The respondents no. 3, 6 and 7 are directed to take immediate steps to release the entire amount of retiral dues payable to the petitioner forthwith in accordance with law if not already released.

6. So far as the allegation made against the petitioner that amount of Rs. 27,10,950/- is required to be adjusted in absence of any voucher of payment made to the beneficiaries, the petitioner may represent before the appropriate



authority to discharge his liability, if at all the petitioner is responsible for such discrepancies which discrepancy relates to his period of service of any in any case the petitioner is not satisfied for payment of any of the retiral dues, he may represent before the appropriate authority for redressal of his grievance. Such representation of the petitioner is required to be disposed of with a reasoned order within a period of three months from the date of filing of the representation.

7. With the above observations and directions, the present writ applications stands disposed of.

(Purnendu Singh, J)

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