

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2755 of 2022

Surendra Singh, S/O Late Sri Ram Singh, R/O- village Phuham, P.S. Barahara, District- Bhojpur, Presently residing at House No. 28, Ganesh Path, Shiv Puri, P.S. Shastri Nagar, Dist -Patna -Presently posted as Statistical Assistant, Revenue and Land Reforms Department, Old Secretariat, Patna.

... .. Petitioner

Versus

1. The State of Bihar Through the Chief Secretary, Govt. of Bihar, Old Secretariat Patna.
2. The Chief Secretary, Govt. of Bihar, Old Secretariat Patna.
3. The Principal Secretary, Planning and Development Department, Government of Bihar, Old Secretariat, Patna.
4. The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
5. The Additional Secretary cum In Charge Agriculture Census, Revenue and Land Reforms Department, Government of Bihar, Patna.
6. The Director of Economics and Statistics, Department of Planning, Govt. of Bihar.
7. The Joint Director (Administration), Directorate of Economics and Statistics, Planning and Development Department, Government of Bihar, Old Secretariat, Patna.
8. The Joint Secretary (Establishment) Revenue and Land Reforms Department, Government of Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Surendra Kumar Singh, Advocate
For the State	:	Mr. Vivek Prasad, GP-7
		Mr. Binod Kumar Sinha, AC to GP-7

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 25-04-2023 Heard learned counsel for the petitioner and Mr. Vivek Prasad, learned GP-7 for the State.

2. Pursuant to the order dated 28.03.2023, two affidavits have been filed. One counter affidavit has been filed on behalf of Respondent Nos. 4 & 5 and a supplementary counter affidavit has been filed on behalf of Respondent Nos. 3 to 6.



3. It appears on perusal thereof that the petitioner has been made available the salary for the month of February 2022 and March 2022. As regards payment of his post retiral dues, a statement has been made in paragraph '8' of the counter affidavit of Respondent Nos. 4 & 5 that the LPC Service Book and document relating to fixation of pension of the petitioner has been sent to the Directorate of Economics and Statistics, Planning and Development Department. It is stated that all action for payment of salary and payment of pension are to be taken by Parent Department (Directorate of Economics & Statistics, Department of Planning and Development, Bihar, Patna).

4. The counter affidavit of Respondent Nos. 4 & 5 further states that the show cause notice dated 06.09.2022 was issued on the advice of the Parent Department and the show cause explanation furnished by the petitioner has been sent to the Department with letter no. 1415 dated 05.12.2022.

5. In the counter affidavit filed on behalf of Respondent Nos. 3 to 6, no justification at all for issuance of the show cause notice dated 06.09.2022 has been furnished. This Court, therefore, has reasons to believe that the issuance of show cause notice dated 06.09.2022, despite there being an order of stay granted by this Court on the transfer order of the petitioner, was nothing but a malafide exercise of power.



6. In fact, Mr. Vivek Prasad, learned GP-7 having sensed that there is no explanation at all for issuance of such show cause notice six months after the order of stay was granted by this Court has candidly submitted that now because the petitioner has retired and the said matter has been dropped, this issue need not be taken further.

7. In the aforesaid view of the matter, this Court would direct the Respondent Nos. 3 to 6 to take immediate steps to do all that would be required from their end to process the post retiral dues and salary of the petitioner which have not been paid to him after his retirement on 31.12.2022.

8. The respondents shall ensure that no harassment is caused to the petitioner in getting his due salary and post retiral benefits within a period of two months from the date of receipt/production of a copy of this order.

9. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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