

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3096 of 2023

Subodh Kumar Mishra Alias Subodh Mishra Son of Late Chhotan Mishra,
Resident of Village- Hariharpur Vaidyalaya, P.S. Teghra, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Industry Department, Bihar, Patna.
2. The Additional Chief Secretary-cum-Principal Secretary, Industry Department, Bihar.
3. The Director, Handloom and Sericulture Directorate, Industry Department, Bihar, Patna.
4. The Project Officer Malbari Extension-cum-Training Centre, Rani Pokhar, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate.
For the Respondent/s : Mr. Zaki Haider, AC to SC-9.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 18-07-2023

Heard Mr. Sanjeev Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Zaki Haider,
learned AC to SC-9.

2. The petitioner has filed the present writ petition
for the following reliefs:

“That this is an application for issuance of an appropriate writ(s), order(s), direction(s) directing the respondent authorities to pay the retiral benefits including pension, gratuity, earn leave and ACP which have not been paid to the petitioner who has retired from the post of orderly-cum-night watchman, Malbari Extension-cum-Training Centre, Rani Pokhar, Vaishali on 31.01.2022 and further for any other reliefs for which the petitioner may be found entitled to.”

3. Learned counsel appearing on behalf of the



petitioner submitted that the petitioner was initially appointed as orderly-cum-night watchman on 06.11.1986 and was posted at Sale Centre, Dumka. Thereafter, vide Memo No. 2604 dated 31.12.1995, the services of the petitioner was regularized as *Keet-Palak* and was posted at Andi Silk Farm, Begusarai and vide Memo No. 1934 dated 05.08.1996, the service of the petitioner was approved by the Industrial Department. Thereafter, all of a sudden, the service of the petitioner was reverted back to the post of orderly-cum-night watchman and was posted at Malbari Extension-cum-Training Centre, Ranipokhar, Vaishali vide Memo No. 1239 dated 30.06.2010. The petitioner had retired on 31.01.2022 from the post of orderly-cum-Night Watchman from Malbari Extension cum Training Centre, Ranipokhar, Vaishali and he has not been paid his retiral benefits including pension, gratuity, leave encashment, earned leave, ACP, etc.

4. In such circumstances, the petitioner seeks to file a representation before the Director, Handloom and Sericulture Directorate, Industry Department, Bihar, Patna – respondent no.3.

5. Respondent No.3 - Director, Handloom and Sericulture Directorate, Industry Department, Bihar must ensure



to dispose of the representation of the petitioner in accordance with law and see that if any employee has been given the benefits as claimed by the petitioner, the petitioner must be given equal treatment and all the retiral dues admissible to the petitioner must be paid to him in accordance with law within a period of six weeks from the date of filing of the representation by the petitioner.

6. The writ application, accordingly, stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	20.07.2023
Transmission Date	N.A.

