IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9169 of 2021

==

Umesh Kumar Singh Son of Late Ramchandra Prasad Resident of village-Birai, P.s.- Sarai, District- Vaishali

... ... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna
3. The Director, Provident Fund, Govt. of Bihar, Patna
4. The Accountant General, Bihar, Patna
5. The Director, Secondary Education , Govt. of Bihar, Patna
6. The District Education Officer, Patna
7. The District Programme Officer (Establishment) Patna

... ... Respondent/s

==

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Sr. Adv. with
	:	Mr. Vardaan Mangalam, Adv.
For the Respondent/s	:	Mr. Lalit Kishore (Ag)
	:	Mr. Kameshwar Kumar, GP(17)

==

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

5 10-01-2023 Learned counsel for the petitioner, counsel for the State and counsel for A.G present.

Learned counsel for petitioner submits that he was working as assistant teacher subsequently In-charge Headmaster in Government Higher School Baghi, Samastipur. Counsel for the petitioner submits that on 31.01.2019, he was retired as In-charge Headmaster. He repeatedly made representation to D.E.O. Samastipur for non-payment of his pension on the ground of non-issuing dues certificate. By filing the writ petition, counsel prayed for payment of pension, its arrears, leave encashment, interest over the GPF, for delay payment and without aiding statutory interest for the period 15.02.2019 to

05.05.2020. Request has also been made to make payment of interest @ 10 % over the retiral dues.

Counsel for the State has filed the counter-affidavit and submits that sanction on the account of GPF has been made and the same has been paid vide Bill No. 805, Annexure-E. Counsel also submits that DPFO, Samastipur has paid Rs. 12,93,556/- has been paid vide Bill no.289 to the petitioner on account of deduction made towards GPF. As such an amount of Rs.14,56,064 has been sanctioned on account of 90% provisional gratuity and same has been paid to the petitioner vide Bill no. 79. It has also been submitted that vide letter No. 532 dated 24.06.2020 the service book along with pension paper has been sent to the office of Accountant General, Bihar, Patna for issuance of necessary authorization letter for payment of full pension and remaining amount of gratuity. Counsel also submits that office of A.G. Bihar, Patna has already been issued PPO and GPO for payment of pension with effect from date of retirement of the petitioner and for the payment of remaining amount of gratuity. Counsel for State submits that the hurdle in entire payment of retiral dues to the petitioner is that he is not providing the no dues certificate in his favour and also not relieving post of In-charge Headmaster.

Counsel for the petitioner submits that the delay has been caused from the officials. He is always ready to support.

According to counsel for State, the entire payment shall be made within couple of days.

Counsel for State submits that till providing the no dues certificate, he only request to upheld his leave encashment. In this background, it is directed to the respondent to assure the payment of his admissible dues as mentioned in the counter-affidavit except leave encashment within 7 days from today. On the point of payment of leave encashment, petitioner is directed to support the authority in providing no dues certificate and such process be completed within 4 weeks. The petitioner shall visit to the Office of DEO and provide the documents available with him and also pay the dues if any pending against him. The entire process must be completed within 10 weeks from today. If payment of admitted dues shall not be made except leave encashment 9 % interest shall be imposed after lapse of 4 weeks.

With this direction, this writ application stands disposed off.

(Dr. Anshuman, J.)

prakashmani/-

U			