

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6994 of 2023

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Raj Kishor Mandal S/o Late Ram Gulam Mandal Resident of Village-
Havidih near Durga Mandir, P.S. Baheri, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Rural Development Department,
Government of Bihar, Patna.
2. The Collector, East Champaran
3. The Block Development Kotwa, East Champaran.
4. The Circle Officer, Bankatwa, East Champaran.
5. The Block Development Officer, Dhaka, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the State : Mr. Akhileshwar Singh, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 18-08-2023

Heard Mr. Vijay Anand, learned counsel appearing
on behalf of the petitioner and Mr. Akhileshwar Singh, learned
AC to GA-2 for the State.

2. In the present writ petition, the petitioner has
prayed for following reliefs:

“1. That the present writ application is being directed for issuance of a writ in the nature of mandamus or any appropriate writs commanding the respondents by issuing direction to the respondents concern to make payment of pension amount since the date of superannuation w.e.f. 1.2.23 from the post of Head Clerk, from the office of B.D.O Dhaka and yet deprived from getting pension & other retiral dues on account of last payment certificate not issued by BDO Kotwa. However, the petitioner further prays besides pension and retiral dues, arrear of salary for the month of August



and September 2012 and November 2012 to January 2023.”

3. Learned counsel appearing on behalf of petitioner submits that petitioner had retired on 31.01.2023 from the post of Head Clerk/Nazir in the office of Circle Office, Dhaka. The petitioner was appointed as Nazir in the office of BDO, Kotwa, East Champaran (Respondent No. 3) on 06.09.1999. Later, he was transferred in the office of BDO, Kalyanpur on 01.07.2004, where he continued in service till 31.05.2008. Thereafter, he was once again transferred back to the office of BDO, Kotwa, East Champaran (Respondent No. 3) on 01.06.2008, where he held the post of Nazir till 12.12.2012. By Memo No. 996 dated 13.12.2012, issued by District Magistrate, East Champaran, the service of the petitioner was transferred to the office of BDO, Chiraiya, East Champaran.

4. The petitioner has been denied pension on account of non-furnishing of Last Pay Certificate by the B.D.O. Kotwa, East Champaran (Respondent No.3). The petitioner has not been given salary from November, 2012 till the date of his superannuation i.e 31.01.2023. Learned counsel on the above submission, seeks to file detailed representation before the District Magistrate, East Champaran.

5. Considering the specific submission made on behalf of the petitioner that the petitioner desires to file a



detailed representation before the District Magistrate, East Champaran, the District Magistrate, East Champaran is directed to call for the service records relating to the petitioner and also directed to summon the Block Development Officer, Kotwa to produce all the documents relating to the petitioner. In case, the District Magistrate finds that the Block Development Officer, Kotwa in an illegal manner has not issued “No Objection Certificate”, disciplinary action is required to be taken against the Block Development Officer, Kotwa in accordance with law. The District Magistrate must ensure to make payment of all the retiral dues including fixation of pension by directing the sanctioning authority. The sanctioning authority is directed to send sanction letter for fixation of pension of the petitioner to the Accountant General, Bihar forthwith. The representation is directed to be disposed of in accordance with law within a period of six weeks from the date of its filing.

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

(Purnendu Singh, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	23.08.2023
Transmission Date	N.A.

