**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Civil Writ Jurisdiction Case No.9557 of 2020**

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Rajdeo Ram Son of Late Rampati Ram Resident of Village- Deodatpur, P.S.- Daud Nagar, District- Aurangabad.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
3. The Upper Secretary, Human Resources Development Department, Government of Bihar, Patna.
4. The District Magistrate, District- Arwal.
5. The District Programme Officer, District- Arwal.
6. The District Education Officer, District Arwal.
7. The District Treasury Officer, District- Arwal.
8. The Accountant General, Bihar, Patna Mahalekhakar Bhawan, Veerchand Patel Path, Patna.

... ... Respondent/s

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**Appearance :**
For the Petitioner/s : Mr.Arvind Prasad Singh, Advocate.
For the Respondent/s : Mr. Shashi Shekhar Tiwary, AC to AAG-10.

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**
**ORAL JUDGMENT**
**Date : 21-06-2023**

Heard Mr. Arvind Prasad Singh, learned counsel appearing on behalf of the petitioner and Mr. Shashi Shekhar Tiwary, learned AC to AAG-10 for the State.

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

> *"1. That this is an application praying for issuance of writ/writs ceretiorary or appropriate in nature for directing and commanding to the respondents for make payment of retirement benefit as gratuity, commutation amount, dues amount of leave encashment and other dues amount to the petitioner with statutory interest which has not been paid to the petitioner after retirement from service*

*as well as praying for direction to the respondents for make payment of arrears of pension with statutory interest and make payment of pension with effect from the date of retirement from service who has retired from the post of Headmaster from Balika High School (10+2) Arwal District- Arwal on 31.05.2019 and after retirement from service the entire requisite papers have been submitted before the authority concerned thereafter P.P.O. has been issued by the accountant General Bihar, Patna but till the date the District Treasury Officer, Arwal has not paid the retirement petitioner. benefit and pension to the petitioner.*

3. Petitioner is aggrieved by non-payment of full pension including arrears of pension, gratuity and commutation of pension for the reason that the materials which were purchased by the petitioner were of poor quality and the petitioner had not followed the departmental instruction and in a most illegal manner, matter has been referred to three men inquiry committee to inquire into the matter.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has submitted GST invoice in support of the purchased article. He further submits that no departmental instruction has been issued to any of the Headmasters and as such withholding of pensionary amount in an arbitrary manner is illegal.

5. Per contra, learned counsel appearing on behalf of the State submits that out of the total amount of gratuity approved by the Accountant General, only Rs.6,28,848.50/- has not been paid to the petitioner because the petitioner has

purchased sub-standard articles for which three men inquiry committee has been set up and the same will be paid subject to the outcome of the inquiry report.

6. Having heard the rival submissions made by the parties and the fact that the petitioner has informed that no departmental instruction has been issued with respect to the articles which were required to be purchased and in absence of such departmental instruction, the petitioner has claimed that he has purchased genuine articles and in support of the purchase of the articles for which he has furnished GST invoice to the department. Petitioner has not committed any misappropriation of fund deliberately even taking into consideration that he has not followed the departmental instruction. It is also admitted that three men committee has been constituted and till date no report has been submitted.

7. It is admitted in Para-5 of the supplementary counter affidavit filed on behalf of the respondent no.6 that out of total amount of gratuity approved by the Accountant General, only 6,28,848.50/- remains to be paid to the petitioner.

8. The District Magistrate, Arwal must ensure that the three men committee submits its report within a period of two weeks from the date of passing of this order and he must

ensure payment of entire retiral dues to the petitioner within a further period of two weeks.

9. With the above direction, the present writ petition stands disposed of.

**(Purnendu Singh, J)**

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