IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7253 of 2023

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Jay Prakash Sahay @ Jai Prakash Sahay Son of Late Satrudhan Sahay @ Satruhan Sahay Resident of Quarter No.- 88, Defence Colony, P.O.- Lohiya Nagar, P.S.- Kankarbagh, District- Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through the Finance Secretary, Finance Department, Govt. Of Bihar, Patna.
2. The Director the Directorate of Press and Printing Stationary, Finance Department, Government of Bihar, Patna.
3. The Superintendent Bihar Secretariat Press, Gurzarbagh, Patna.
4. The Director GPF Directorate, 5th Floor, Panth Bhawan, Hartali More, Bailey Road, Patna.
5. The District Provident Fund Officer Saharsa, District- Saharsa, Bihar.
6. The Accountant General Bir Chand Patel Path, Patna, Bihar.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Niraj Kumar, Advocate
For the Respondent/s	:	Mr. Raghwendra Kumar, SC-22
For the Accountant General	:	Mr. Binod Kumar Labh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 23-11-2023

Heard Mr. Niraj Kumar, learned counsel appearing on behalf of the petitioner, Mr. Raghwendra Kumar, learned SC-22 and Mr. Binod Kumar Labh, learned counsel for the Accountant General.

2. In compliance to the order of this Court, a supplementary counter affidavit has been filed on behalf of the respondent nos. 1 to 5, stating therein, that as the petitioner has been remained unauthorizedly absent from the office with effect

from 24.12.2011 to 30.09.2018 without any information, thus applying the principle of "No Work No Pay", the petitioner has not been allowed the salary for the said period, however, on the recommendation made by the District Provident Fund Officer, Saharsa the deponent Director, GPF Directorate, Bihar, Patna has sanctioned extra-ordinary leave to the petitioner vide office order under the Memo No. 5179 dated 06.10.2023 for the period of 24.12.2011 to 30.09.2018, in the light of the Rule 180 (क) of the Bihar Service Code. It is further averred that the service of the petitioner has not been reduced by seven years rather the said period has been granted as extra-ordinary leave, which would not be treated as break in service of the petitioner for the purpose of pensionary benefits.

3. On the other hand, learned counsel for the Accountant General by referring to the averments made in his counter affidavit submits that the service book and pension paper of the petitioner has been received from District Provident Fund Office, Saharsa with a request to take necessary action in the matter, however, after scrutiny of the matter by the office of the Accountant General, the service book and pension paper has been returned to the department for making corrections in pay fixation, vide office Letter No. Pension 16/786-787 dated

18.09.2023. He further submits that on receipt of the service book and pension paper from the department further necessary action will be taken in respect to issuance of the pensionary benefits.

4. From the materials available on record, *prima facie*, it appears that the service book and the pension paper has already been returned to the department for certain corrections on 18.09.2023 itself, but till date, it appears that the same has not been corrected and sent back to the office of the Accountant General, Bihar.

5. In view of the aforesaid facts, the respondent nos. 4 and 5 are hereby directed to ensure necessary correction in the service book/pension paper of the petitioner and return the same to the office of the Accountant General, preferably within a period of two weeks. On receipt of the service book and the pension paper, necessary action shall be taken by the Accountant General, Bihar by issuing authority orders in favour of the petitioner within the next four weeks.

6. In view of the aforesaid direction, the present writ petition stands disposed of.

7. It is made clear that within the stipulated period, if the required necessary payment shall not be made in favour of

the petitioner, the petitioner would be entitled to interest over the due amount at the rate of 8 per cent till actual payment is made, which shall be realised from the erring officials.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.11.2023.
Transmission Date	NA