

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6964 of 2023

Sudhir Mandal Son of Sri Mandal, Resident of Mohalla Shivpuri, Ward No. 9,
Araria, P.S. and District Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector cum District Magistrate, Araria.
3. The Additional Collector, Araria.
4. The Anchal Adhikari, Bhargama, District Araria.
5. The Accountant General, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Respondent/s : Md. Khurshid Alam, AAG-12

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 22-08-2023

Heard Mr. Sunil Kumar, learned counsel appearing
on behalf of the petitioner and Md. Khurshid Alam, learned
AAG-12 appearing on behalf of respondent.

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

*“That this petition is being filed
for issuance of an appropriate writ, order or
direction to the Respondents to pay the
following pre and post retiral dues to the
petitioner:*

- | | |
|---------|--|
| | (i) Gratuity Amount |
| | (ii) General Provident Fund |
| Amount | |
| | (iii) Group Insurance Amount |
| | (iv) Leave Encashment Amount |
| | (v) Fixation of Pension and its |
| payment | |
| | (vi) Due Salary of General |
| | Strike period for the month of January, 2009 |
| | and February, 2009. |



(vii) Salary of the period of suspension from 13.06.2012 to 28.06.2013.

(viii) Difference of amount of salary etc. on account of 6th Pay Revision.

(ix) Fixation of pay on account of 7th Pay Revision and difference of salary thereof.

(x) A.C.P. and M.A.C.P. as the petitioner was in Government Service for more than 38 years and the difference of Salary thereof.

(xi) Penal Interest on all due amount as despite more than 9 years having been elapsed not a single paise has been paid to him till date.”

3. The petitioner is aggrieved for non-payment of retiral dues as claimed for in the writ petition. The due date of retirement of the petitioner is 30.06.2013, however, due to pendency of departmental proceeding against him, the petitioner has been denied the above dues.

4. The District Magistrate, Araria is directed to take immediate steps for making payment of admissible dues to the petitioner.

5. Considering the fact that due date of retirement of the petitioner is 30.06.2013 and petitioner is entitled for at least 90% provisional pension and 90% gratuity in accordance with provision of Bihar Pension Rules as well as other retiral dues under different heads within a period of three weeks from the date of passing of this order. The petitioner, if so desires,



may also file a detailed representation before the concerned authority in accordance with law.

6. The District Magistrate not consider the fact that order of dismissal of the petitioner was quashed by this Court vide order dated 20.05.2019 passed in CWJC No. 18601 of 2014 and till date in compliance of the said order, the District Magistrate, Araria respondent no. 2 has sat tight over the matter by not passing any final order. The Apex Court has deprecated that the practice of quashi judicial authority to be guided by pre-decisional order to be reflected into the post decisional order.

7. With the above observations and directions, the writ petition stands disposed of.

(Purnendu Singh, J)

Manish/-
Minu/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.08.2023
Transmission Date	NA

