

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9300 of 2023

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Ram Bharat Prasad (Male) age about 63 years son of Late Rameshwar Prasad, Permanently Resident of village- Manara, Post Office - Dharmpur, Police Station - Noor Sarai, District - Nalanda (Bihar) at present resident of- Indrapuri, Road No. - 1, Post Office - Keshari Nagar, Police Station - Patliputra, under township of Patna, PIN Code - 800024, Mob No. 9006392988/9472426747.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, VISVESVRAIA BHAWAN; Bailey Road Patna - 800015.
2. The Chief Engineer- 4 Head Office Rural Works Department VISVESVRAIA BHAWAN, Bailey Road Patna - 800015.
3. The Dy. Secretary (Parbandhan Koshang) Road Construction Department, VISVESVARAIYA BHAWAN, PATNA - 800015.
4. The Managing Director, Bihar State Pool Nirman Nigam Ltd. - 7 Sadar Patel Marg, PATNA - 800015.
5. The Joint Director, Yojana and Vikas Vibhag, Bihar, Old Secretariate, Patna.
6. The Dy. Commissioner, Directorate, General Provident Fund Pant Bhawan, Finance Department, Bailey Road, Patna.
7. The Additional Secretary, Yojana and Vikas Vibhag, Govt. of Bihar, Patna.
8. The Superintending Engineer, Saran Path, Anchal Hajipur.
9. The Dy. Director, Provident Fund, Directorate, Pant Bhawan, Patna.
10. The Pradhan Mahalekhakar (Lekha and Hakdari) Bihar, Virchand Patel Path, Patna.
11. The Executive Engineer, Road Construction Department, Karya Parmandal, Barsoie, Katihar - 855102.
12. The Executive Engineer, Bhawan Parmandal, Hajipur.
13. The Dy. Development Commissioner, Khagaria, PIN - 851204.
14. The Dy. Development Commissioner Sahebganj, State of Jharkhand, PIN - 816109.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Nandan Prasad Singh, Advocate
For the Respondent/s	:	Mr. Uday Shankar Sharan Singh, GP-19
		Mr. R.K. Chandram, A.C to GP-19
For the Pul Nirman Nigam:		Mr. Md. Nadim Siraj, Advocate
For the A.G, Bihar	:	Dr. Anand Kumar, Advocate
For the State of Jharkhand:		Mr. Sanjay Kumar, Advocate



CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
Date : 04-09-2023

Heard Mr. Raj Nandan Prasad Singh, learned counsel appearing on behalf of the petitioner; Mr. Uday Shankar Sharan Singh, learned G.P-19 appearing on behalf of the State; Mr. Md. Nadim Seraj, learned counsel appearing on behalf of the Pul Nirman Nigam; Dr. Anand Kumar, learned counsel appearing on behalf of the Accountant General, Bihar and Mr. Sanjay Kumar, learned counsel appearing on behalf of the State of Jharkhand.

2. Learned counsel appearing on behalf of the petitioner submits that petitioner has been denied the retiral benefit on different heads such as gratuity, pension, leave encashment, provident fund and GIS amount for non-sanctioning of the same by the Road Construction Department.

3. Dr. Anand Kumar, learned counsel appearing on behalf of the Accountant General, Bihar submits that the Office of the Accountant General, Bihar has already issued vide Letter dated 06.07.2023 seeking information regarding



the departmental sanction for payment of pension and gratuity in favor of petitioner, however, the Road Construction Department has sat over the matter. It is further pointed out that so far as the payment of leave encashment and pension is concerned, the Finance Department is required to adjudicate into the matter and take appropriate steps to make payment of the leave encashment payable to the petitioner.

4. Mr. Nadim Siraj, learned counsel appearing on behalf of the Bihar Rajya Pul Nirman Nigam Limited submits that he has received instruction that all the amount relating to the deputation period of the petitioner with effect from 14.03.2008 to 25.06.2011 and from 30.05.2016 to 16.07.2018 have been calculated and have already been sent to the office of Regional Director, Provident Fund Regional Office, Patna vide Letter No. 1052 dated 28.11.2022 and Letter No. 4957 dated 06.12.2022 and the payment is required to be made by the Regional Director Provident Fund, Patna. So far as the salary with respect to the aforesaid period is concerned, the same has already been paid to the petitioner during his service period.



5. Considering the pathetic state of affairs with respect of non-payment of pension, gratuity and other retiral dues to the petitioner, the Additional Chief Secretary, Road Construction Department, is directed to forthwith take steps to call for the service records relating to the petitioner and issue sanction letter to the Accountant General, Bihar in compliance of Letter dated 06.07.2023 and ensure payment of pensionary benefit to the petitioner within a period of four weeks from the date of passing of this order.

6. The Regional Director, Provident Fund, is directed to credit the entire amount into the account of the petitioner with respect to Provident Fund within four weeks. In case he finds that certain forms are required to be filled up, the same must be done at his own level after getting all the paraphernalia done within the aforesaid period along with statutory interest in accordance with law.

7. The petitioner, if so advised, may file a detailed representation before the Additional Chief Secretary, Road Construction Department to facilitate his claim for payment of retiral dues as prayed for in the present writ petition along with statutory interest.



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

(Purnendu Singh, J)

Niraj/-
Nilmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05.09.2023
Transmission Date	N/A

