

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.516 of 2021

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Shakeel Ahmad son of Late Md. Siddique resident of Village- Ahirpurwa,
Ward No. 29, P.S. Arrah Town, District- Bhojpur at Arrah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Education Department, Vikash Bhawan, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Vikash Bhawan, Patna.
3. The Director, Administration-cum- Additional Secretary, Education Department, Govt. of Bihar, Vikash Bhawan, Patna.
4. The District Education Officer, Madhubani, District Madhubani.
5. The District Treasury Officer, Madhubani, District Madhubani.
6. The Chief Account Officer, Office of the Accountant General (A/E), Bihar, Veer Chand Patel Path, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Adv.
For the State : Mr. Shashi Shekhar Tiwari, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 11-12-2023

Heard Mr. Shankar Kumar, learned counsel appearing on behalf of the petitioner and Mr. Shashi Shekhar Tiwari, learned counsel for the State. Learned counsel for the Accountant General is also present.

2. The petitioner, who superannuated from the post of District Programme Officer, Madhubani on 31.01.2019, filed the present writ petition seeking a direction upon the respondents to ensure payment of the entire amount of arrears of pension from the date of retirement, current pension, amount of gratuity and



earned leave of 300 days, along with statutory interest.

3. It is vehemently submitted on behalf of the petitioner that during the pendency of the writ petition, the petitioner on being exonerated from the charges in the pending departmental proceeding, all the pensionary due amounts have been paid to the petitioner. Referring to the materials on record, he submits that the petitioner was initially proceeded for certain charges which resulted into exoneration of the petitioner. However, soon thereafter a new *prapatra (ka)* was framed and fresh departmental proceeding was initiated which also ended in the exoneration of the petitioner on 16.09.2022 and thereupon the admissible due payment was made but in this way, delay of four years have taken place in granting the retiral benefits to the petitioner, which shows how the respondents have acted arbitrarily.

4. Learned counsel for the State while refuting the contention of the petitioner submitted that since the departmental proceeding was pending consideration before the disciplinary authority and the same has been ended in exoneration of the petitioner on 16.09.2022, consequently all the payments have been made and as such in any view of the matter, there is no delay in granting the benefit to the petitioner.



5. Confronting with such submission, at this stage, learned counsel for the petitioner further submits across the Board that he intends to file a representation before the respondent no. 3 narrating the entire facts showing the delay in payment of his admissible retiral benefits.

6. Considering the limited prayer of the petitioner, the present writ petition stands disposed of with liberty aforesaid.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	12 .12.2023
Transmission Date	

