

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9245 of 2023

=====

Nityanand Kumar, Male, aged about 61 years, son of Sri Ramdeo Prasad Yadav, Resident of Devi Asthan (Towards Pabitra Apartment), D.V.C. Road, New Yarpur, Police Station- Gardani Bag, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Rural Works Department, Govt. of Bihar, Patna.
3. The Special Secretary, Rural Works Department, Govt. of Bihar, Patna.
4. The Deputy Secretary to the Government, Rural Works Department, Govt. of Bihar, Patna.
5. The Treasury Officer, Secretariat Treasury, Sinchai Bhawan, Bailey Road, Patna.
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Satish Chandra Jha 3, Advocate Mr. Shambhoo Kumar Suman, Advocate
For the State	:	Ms. Archana Meenakshee, GP-6 Mr. Prabhat Ranjan, AC to GP-6
For the A.G.	:	Mr. Vivekanand Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 04-09-2023

Mr. Satish Chandra Jha 3, learned counsel appearing on behalf of the petitioner; Ms. Archana Meenakshee, learned GP-6 appearing on behalf of the State and Mr. Vivekanand Kumar, learned counsel appearing on behalf of the Accountant General.

2. Learned counsel appearing on behalf of the petitioner submits that petitioner has not been paid 10% pension, gratuity and full leave encashment in garb of Letter



dated 05.04.2022 that petitioner has been found to have not completed the entire work which was allotted to him within the specified period. The petitioner had retired on 31.01.2022 from the post of In-charge Executive Engineer, Rural Works Department. Learned counsel further submits that the action of the respondent in withholding 10% pension, gratuity and full leave encashment without authority of law. Pursuant to the show cause issued to the petitioner, the matter was taken by the State Government and an order has been passed that the show cause of the petitioner was accepted and no departmental proceeding was required to be initiated against the petitioner.

3. Learned counsel has brought on record the order contained in Letter No. 2089 dated 02.11.2021 in which the competent authority has accepted the show cause but in spite of the said fact, the authority has not taken any action to release the entire amount of pension, gratuity and leave encashment due to the petitioner. The petitioner has been forced to file the present writ petition for same after his representation dated 03.05.2023 was not taken into account by the Respondent No.3-the Special Secretary, Rural Works Department, Government of Bihar, Patna.

4. Learned counsel appearing on behalf of the State



submits that it is admitted that vide order dated 09.01.2023, the show cause of the petitioner was accepted and no disciplinary action was required to be taken against the petitioner.

5. Having heard the rival submissions made by the parties and perused the records of the writ petition, the admitted fact is that the Respondent No.3 has accepted the show cause filed by the petitioner and had passed order dated 09.01.2023 contained in Memo No. 72 (Annexure-5 to the writ petition) but no action has been taken by him for making payment of remaining 10% of pension, gratuity along with leave encashment. The petitioner has already filed a detailed representation before him but for the reason best known to him he has not sanctioned till date.

6. The Respondent No. 3- the Special Secretary, Rural Works Department, Government of Bihar, Patna, is directed to forthwith issue sanction letter to the Accountant General, Bihar for releasing of remaining 10% pension, gratuity and leave encashment and communicate and issue authority with respect to the same to the Treasury Officer, Secretariat Treasury, Sinchai Bhawan, Bailey Road, Patna to forthwith credit the entire amount of pension, gratuity and leave encashment payable to the petitioner into the pensionary



account of the petitioner within one or two days after receiving the authority letter from the Accountant General, Bihar.

7. In case of failure by any of the authority concerned, the petitioner is at liberty to take appropriate legal action against them. In case petitioner is aggrieved by non-payment of interest then he may file representation before the Respondent No. 3- the Special Secretary, Rural Works Department, Government of Bihar, Patna, who will dispose of the representation filed by the petitioner within a period of six weeks.

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

(Purnendu Singh, J)

Niraj/-
Nilmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06.09.2023
Transmission Date	N/A

