

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15389 of 2021

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Devanand, Son of Late Sant Lal Yadav, Resident of Village/Mohalla - East
Nand Gola, P.S. - Malsalami, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Road Construction Department, Bihar, Patna.
3. The Deputy Secretary (Management Cell), Road Construction Department, Bihar, Patna.
4. The Superintending Engineer, Central Circle, Road Construction Department, Patna.
5. The Director, Provident Fund, Department of Finance, Bihar, Pant Bhawan, Patna.
6. The District Provident Fund Officer, Patna.
7. The Principal Accountant General of Bihar, Veer Chand Patel Path, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Nath Pathak, Adv.
For the Respondent/s : Mr. Sajid Salim Khan (Sc2)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 13-01-2023 Heard learned counsel for the petitioner, counsel for the State and counsel for Accountant General through virtual mode.

Counsel for the petitioner submits that he was appointed as Junior Engineer in Road Construction Department on 04.08.1983 thereafter, he was promoted to the post of Assistant Engineer on 06.05.2015 and finally retired from the service of Road Construction Department, Bihar, Patna as Assistant Engineer with effect from 31.01.2020. Counsel

submits that petitioner was never suspended in his entire service, no criminal or judicial or any departmental proceedings was instituted in his entire service period. Counsel submits that he was entitled for full pension gratuity and other retiral dues including leave encashment of 300 days but instead of granting his full pension and gratuity, only 90 % of the pension and gratuity was granted. Counsel submits that he is entitled to get the rest 10 % pension amount, 10% gratuity amount, commutation of 40% pension, leave encashment for 300 days, remaining amount of provident fund along with statutory interest with panel interest for delay in payment of all retiral benefits. Counsel for the petitioner submits that he has made the latest representation before the Principal Secretary, Road Construction Department vide Annexure-10 dated 20.07.2020 indicating everything but his representation has not been considered. Counsel submits that the said post of Principal Secretary is now the post of Additional Chief Secretary Road Construction Department Bihar, Patna. Counsel for State as well as counsel for Accountant General had filed the counter-affidavit but the said counter-affidavit has not put any reflex on the arguments made by the petitioner. Counsel for the petitioner submits that Annexure-D is the order passed by the Full Bench,

is basically in his favour.

In this view of the matter, it is directed to the petitioner to file a fresh representation before the Additional Chief Secretary Road Construction Department, Bihar, Patna who upon going through the entire materials available in the writ petition shall pass a reasoned order within 2 months from the date of filing the representation and shall assure all the admissible dues of the petitioner within 4 weeks thereafter. It is made clear that provident fund authority shall also ensure the payment of P.F. account within time period specified in the GPF amount with statutory interest.

With this direction, the present writ application stands disposed off.

(Dr. Anshuman, J.)

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