

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10813 of 2022

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Dr. Ranjan Kumar Singh Son of Late Hardeo Singh Resident of Hardeo
Niwash, New Bahadurpur, P.S.- Bahadurpur, District- Patna-800016.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Health Department,
Government of Bihar, Patna.
2. Additional Chief Secretary, Health Department, Government of Bihar, Patna.
3. The Director-in-Chief, Health Services, Govt. of Bihar, Patna.
4. The Joint Secretary, Department of Health, Govt. of Bihar, Patna.
5. The Civil Surgeon, Ara at Bhojpur.
6. The Accountant General, Govt. of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Adv.
For the State	:	Mr. Niraj Kumar, AC to GA 10
For the Accountant General	:	Mr. Rajnandan Prasad, Adv.
For the Vigilance	:	Mr. Arvind Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 01-12-2023

Heard Mr. Praveen Kumar, learned counsel appearing
on behalf of the petitioner; Mr. Niraj Kumar, learned counsel for
the State; Mr. Raj Nandan Prasad, learned counsel for the
Accountant General, Bihar and Mr. Arvind Kumar, learned
counsel for the Vigilance.

2. The petitioner claimed to be superannuated from



the post of Deputy Superintendent (Medical Officer) on 30.06.2022, filed the present writ petition seeking a direction upon the respondents to ensure payment of his retiral dues, including Gratuity, Group Insurance, G.P.F., Pension, arrears of salary.

3. It is submitted on behalf of the respondents-State authorities that on account of pendency of the departmental proceeding as well as the criminal case, the petitioner could not be allowed full and final settlement of his retiral benefits. However, pursuant to the direction of this Court, finally the petitioner has been accorded 90% provisional gratuity subject to the final outcome of pending departmental proceeding. The petitioner has also been paid unutilized earned leave amount of 298 days.

4. At this stage, learned counsel for the petitioner submitted that while making payment of all the afore-noted benefits the date of retirement of the petitioner has been altered in a most arbitrary manner without considering the legitimate claim of the petitioner, despite several representations filed by the petitioner.

5. Learned counsel for the State further submits that with regard to the period which is spent on deputation, a



departmental proceeding is already pending before the authority concerned and final payment shall be made subject to the result of the departmental proceeding.

6. Mr. Kumar, learned counsel for the petitioner submits that though 90 % pension as well as gratuity and earned leave for 298 days have been paid to the petitioner but till date the petitioner has not been paid salary for the period 01.09.2015 to 28.09.2015 and further the petitioner has not been paid any benefit for the period 11.07.2016 to 30.09.2016.

7. It is to be noted that *vide* Memo No. 3052 dated 16.05.2023, the salary for the period w.e.f. 29.09.2015 to 10.07.2016 has already been sanctioned after obtaining the absence report, thus this Court directs the concerned respondents to ensure the payment of salary of the afore-noted period preferably within a period of four weeks from today, if not already paid.

8. The respondent No. 4 is also directed to pass final order in respect to the sanction of leave for the period 01.07.2016 to 30.09.2016 in terms of the order of this Court dated 22.08.2023 within the afore-noted period of four weeks.

9. In view of the facts discussed hereinabove, the writ petition stands disposed of with the aforesaid directions.



10. Needless to observe that final settlement shall be made subject to the outcome of the departmental proceeding pending against the petitioner.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	05.12.2023
Transmission Date	

