

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13347 of 2019

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Ram Nandan Singh Son of Fuleshwar Prasad Singh, Resident of village-
Dhakjhari, Ward No. 13, P.S.- Bharauli, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Bihar, Patna.
2. The District Magistrate, Supaul.
3. The Deputy Development Commissioner, Supaul.
4. The Prakhand Vikas Padadhikari, Nirmali, District- Supaul.
5. The Prakhand Vikas Padadhikari, Saraigarh, District- Supaul.
6. The Prakhand Vikas Padadhikari, Kishanpur, District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate.
For the Respondent/s : Mr.Ajay, GA-5.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 23-06-2023

Heard Mr. Vijay Kumar, learned counsel appearing

on behalf of the petitioner and Mr. Ajay, learned GA-5 for the

State.

2. The present writ petition has been filed for the

following reliefs:

(I) For a direction to the Respondents to make payment of the entire retiral dues of this petitioner, such as benefits of pension, gratuity, provident fund, group insurance, unutilized earned leave, arrears of salary, for the period 01-07-2009 till the date of his retirement i.e. 31-01-2015, benefit of A.C.P., recommendation of 6th pay recommendation etc, which has not been paid to the petitioner without any rhyme or reason, although he has superannuated from the post of Pachayat Secretary on 31-01-2015.

(ii) For a direction to the Respondents to make payment of



interest at the rate of 18% to the petitioner for such delayed payment.

(iii) For any other relief or reliefs, for which the petitioner is entitled in the facts and circumstances of this case.

3. A counter affidavit has been filed in which an objection has been raised that total amount of Rs.19, 13, 100/- is recoverable from the petitioner and unless and until the said amount is deposited by the petitioner, “No Objection Certificate” cannot be issued to the petitioner. The details of advances which were given to the petitioner for execution of certain work has been stated in Para-5 of the counter affidavit. However, the petitioner as well as the respondent have not brought on record as to on what account the petitioner was responsible for non-execution of work. This Court finds that in absence of work order, agreement entered into between the department as well as the contractor and the work satisfaction order including measurement book to get satisfied that the petitioner has either completed or it has been left incomplete on account of alleged irregularity having been committed by the petitioner.

4. This Court finds that such disputed question of fact in absence of pleading and evidence cannot be adjudicated in exercise of powers conferred under Article 226 of the Constitution. The petitioner, if so advised, may file a detailed



representation along with the evidences and the concerned authority shall dispose of the representation of the petitioner after considering the documents as indicated in above paragraph of this order preferably within a period of three months.

5. In case it is found that the work has been completed during the service period of the petitioner, the petitioner should not be penalized by withholding aforesaid amount. In case, if the authority finds that the petitioner is not entitled for the relief as prayed for in the present writ petition, in that case, the petitioner must be given due opportunity of hearing and if any document is required by the petitioner, the same shall be provided to him considering the fact that such exercise has been taken by the respondent after the retirement of the petitioner and not during the service period of the petitioner.

6. With the above observation and direction, the writ petition stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	28.06.2023
Transmission Date	N.A.

