

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15551 of 2022

Navneet Kumar Gupta S/o Late Kashi Prasad R/v- Kashipur (Mohanpur road)
Ward No.- 14, P.S.- Samastipur (Town), District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Joint Secretary, Finance Department, Old Secretariat, Patna.
3. The Deputy Director, Planning and Development Department, Old Secretariat, Bihar, Patna.
4. The Engineer in Chief, Rural Work Department, Secretariat, Patna.
5. The Executive Engineer, Local Area Engineering Organization Work Div.- 02, Bikramganj, Rohtas.
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Narayan Yadav, Advocate Mr. Ajay Kumar, Advocate
For the Respondent/s	:	Mr. Anjani Kumar, AAG-4 Mr. Deepak Sahay Jamuar, AC to AAG-4
For the Accountant General	:	Mr. Vivekanand Kumar Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 28-11-2023

Heard Mr. Suraj Narayan Yadav, learned counsel appearing on behalf of the petitioner, Mr. Deepak Sahay Jamuar, learned AC to AAG-4 and Mr. Vivekanand Kumar, learned counsel for the Accountant General.

2. The petitioner was duly appointed as Junior Engineer (Civil) vide appointment letter no. 6435 (E) dated 05.09.1989 along with others and after serving on different places in different offices, he finally superannuated while he was posted as Junior Engineer under the office of the Executive



Engineer, Local Area Engineering Organization, Work Division
– 02, Bikramganj, Rohtas on 31.08.2016.

3. Despite having his all efforts and lapse of more than six years, when he was not allowed his due pension and other benefits, he filed the present writ petition seeking a direction upon the respondents to ensure the payment of all the retiral dues, including pension, gratuity, leave encashment, provident fund, GIC and other admissible dues.

4. A counter affidavit has been filed duly sworn by the Executive Engineer (LAEO – Works Division -02), Bikramganj, Rohtas. It is submitted that the delay in ensuring the payment of retirement benefits is on account of non submission of pension papers at the level of the petitioner.

5. The aforesaid contention has been refuted by the learned counsel for the petitioner and it is submitted that now the pension papers has already been submitted on 27.03.2020.

6. Learned counsel for the State by referring to the submission made in the counter affidavit filed on behalf of the respondent no. 4 submits that after verification of the service record, it has been found that there are several breakage in his service, right from 01.04.2002 to 31.08.2016, the date on which the petitioner superannuated. He further submits that letters



have been sent to all the concerned offices to ensure the position with regard to his discharge of duty in the respective offices and after obtaining the details of these breakage of his service period, the earned leave for the period, in question, shall be calculated and the same would be paid to the petitioner. In absence of the aforesaid information, the pension paper, till date could not be forwarded to the office of the Accountant General for fixation of pension.

7. Mr. Yadav, learned counsel for the petitioner submits that notwithstanding the fact that the department is the custodian of all the records and the service book of the petitioner, the plea of non availability of information with regard to the breakage of service, at this stage, after lapse of six years cannot be said to be justified and proper.

8. Having heard the parties, considering the submissions advanced and after perusing the averments made in the writ petition, this Court finds substance in the submissions made on behalf of the petitioner. Needless to observe that the petitioner superannuated way back in the year 2016 and even after lapse of more than six years, the paraphernalia, which are required to be completed by the department has not been completed, notwithstanding the department being custodian of



all the records.

9. Considering the aforesaid facts, the present writ petition stands disposed of with a direction to the respondent Executive Engineer, LAEO Work Division No. 02, Bikramganj, Rohtas to complete all the process of obtaining information from the different offices and send the pension paper to the office of the Accountant General for issuance of adequate authorization letter, in favour of the petitioner. All the aforesaid exercise must be completed within a period of eight weeks from the date of receipt/production of a copy of this order/judgment.

10. With the aforesaid direction, the present writ petition stands disposed of.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.11.2023.
Transmission Date	NA

