

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19223 of 2019

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Md. Kafil Akhtar S/o Haji Abdus Shakoor Resident of Village and P.O.-
Shiura, P.s.- Patori, Distt.- Samastipur, At present residing at Village- Naya
Tola Murgiyachak, Rahimabad, P.s.- Rajpur, Distt.- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Govt. of Bihar, Patna
2. The Additional Chief Secretary Department of Education, Govt. of Bihar, Patna
3. The Director Primary Education, Bihar, Patna
4. The Regional Deputy Director of Education Darbhanga Division, Darbhanga, District- Darbhanga
5. The Zila Padadhikari Samastipur, Distt.- Samastipur
6. The District Education Officer Samastipur, Distt.- Samastipur
7. The District Programme Officer (Establishment) Samastipur, Distt.- Samastipur
8. The District Accounts Officer Samastipur, Distt.- Samastipur
9. The Block Education Officer Patori, Distt.- Samastipur
10. The Accountant General Bihar, Birchand Patel, R-Block, patna-800001

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prasen Kumar, Advocate
For the AG Bihar	:	Mr. Ram Kinker Choudhary, Advocate
For the State	:	Mr. Prabhakar Jha, GP-27

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 27-06-2023

Heard Mr. Prasen Kumar, learned counsel appearing on behalf of the petitioner, Mr. Ram Kinker Choudhary, learned counsel appearing on behalf of A.G, Bihar and Mr. Prabhakar Jha, learned G.P.27 for the State.

2. Hard copy of the counter affidavit has been filed on behalf of the respondent Nos. 5 and 8. The same is directed to



be kept on record.

3. Learned counsel appearing on behalf of the petitioner informs this Court that all the retiral admissible dues have been paid to the petitioner, however, certain dues are still remains to be paid along with statutory interest on account of delay in making payment of the amount.

4. The statement which has been made by learned counsel appearing on behalf of petitioner is also supported by specific statement made in Paragraph No. 8 to the counter affidavit filed on behalf of respondent nos. 5 and 8, the same is reproduced hereinafter:

“8. The petitioner was requested vide this office letter no. 434 dated 11-05-2023 to appear in this office for payment as per PPO no. 202211102663. The pensioner Md Kafil Akhtar appears for payment in Treasury on 17.05.2023. There after proper comparison with the Pension Payment Order for identification, arrear pension from 01-05-2016 to 30-04-2023 Net amount Rs. 10,07,324.00 (Ten Lakh seven thousand three hundred twenty four only) and Death-cum-Retirement Gratuity amount Rs. 9, 64, 145.00 (Nine lakh sixty four thousand one hundred forty five only) as authorised by PPO paid on 19-05-2023. As per Bill wise Transaction Report it is appear that the payment status of Arrear Pension 01-05-2016 to 30-04-2023 and Death-Cum-Retirement Gratuity payment is success. Payment of Earn leave withdraw is payable by District Programme Officer (Establishment), because he is authorised as a Drawing and Disbursing Officer for withdrawn Leave Encashment.”

5. Considering the fact that substantial amount on



account of retiral dues has been paid to the petitioner, however, no reason has been assigned in the counter affidavit as well as supplementary counter affidavit why the petitioner has been granted only provisional pension and gratuity even the amount which has been fixed on account of provisional pension and gratuity has not been disclosed in the supplementary counter affidavit, particularly, in Paragraph Nos 7 and 8.

6. This Court has no alternative than to direct the Primary Education, Bihar to see that the petitioner is paid forthwith the entire amount of pension and gratuity after verifying the records relating to the petitioner.

7. The District Programme Officer and District Education Officer, Samastipur must appear before the Director Primary Education on 03.07.2023 along with the records relating to the petitioner, so that the Director, Primary Education can verify the records and take appropriate action forthwith in sanctioning full pension to the petitioner in accordance with law. The Director must take action against the concerned Authority including the District Programme Officer (Establishment) and District Education Officer, Samastipur, if full pension has been withhold for no specific reason and is not in accordance with law then he must proceed to inform the Controlling Officer of



the concerned Officer for taking appropriate disciplinary action against them within a period of three weeks. In case petitioner is aggrieved, he may avail appropriate remedy or in case of the failure of the Director Primary Education in not taking appropriate action with the above direction and observation made in this order.

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

(Purnendu Singh, J)

Manish/-
Minu/-

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

