

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1946 of 2023

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Harish Chandra Choudhary Son of Late Ram Naresh Choudhary, Resident of
Flat No. 302, Veenashree Apartment, New Punaichak, P.S.- Shastri Nagar,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Patna Division, Patna.
5. The District Program Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar, Adv.
For the Respondent/s : Mr.Madhaw Pd. Yadaw, GP-23

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 02-05-2024

Heard learned counsel for the petitioner and learned
counsel for the State.

2. By filing the present writ application, the petitioner
has prayed for the following reliefs:-

*1) For issuance of direction to the
respondent authorities to pay all pending
retiral dues to the petitioner i.e. his
gratuity and earn leave encashment as no
proceeding was pending either on the date
of superannuation or till date no
proceeding under Rule 43(b) of Bihar*



Pension Rules, 1950 has been initiated.

II) The petitioner further prays that the respondent authorities be directed to pay the full salary from the 04.04.2014 to 29.06.2016, i.e., from the date of dismissal to the date of acceptance of joining as the order of dismissal was quashed by this Hon'ble High Court vide judgment dated 08.03.2016 and the petitioner's joining was accepted on 29.09.2016 with an observation that the decision for payment with regard to said period shall be taken after conclusion of the departmental proceeding but no proceeding was initiated and the petitioner attained the age of superannuation on 31.03.2022.

III) The petitioner further prays that the respondent authorities be directed to grant the petitioner the benefit of 1st, 2nd and 3rd ACP and accordingly modify the amount of retiral dues and also refix the pension accordingly besides payment of arrears of salary and arrears of pension.

IV) For any other relief/reliefs for which the petitioner may be deemed entitled to.

3. Learned counsel for the petitioner submits that the first relief has become infructuous, whereas for the second relief, petitioner has already filed another writ application i.e. C.W.J.C. No. 13942 of 2023 and the same is subject to its



final order.

4. Learned counsel for the petitioner prays that the respondent authorities be directed to grant the petitioner the benefit of 1st, 2nd and 3rd ACP and accordingly, modify the amount of retiral dues and also refix the pension accordingly besides payment of arrears of salary and arrears of pension.

5. Considering the submissions made by the petitioner, I deem it proper to direct the petitioner to file a detailed representation before the Director, Primary Education, Education Department, Government of Bihar, Patna (respondent no. 3) along with the supporting documents within a period of two weeks and the respondent no. 3 is directed to consider the representation of the petitioner and pass a reasoned and speaking order as well as grant the petitioner the benefit of 1st, 2nd and 3rd ACP and other benefits as claimed by the petitioner, if the petitioner is found entitled for, within eight weeks from the date of receipt of the representation of the petitioner after affording an opportunity of hearing to the petitioner or his counsel.

7. Needless to state that the respondent no.3 shall be solely responsible for non-compliance of this order within the stipulated period.



8. With the aforesaid direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.05.2024
Transmission Date	NA

