

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2350 of 2022

DR.Jai Kumar Singh @ Jai Kumar Sinha Son of Ramdhari Singh Resident of
Mohalla-Kashi Bazar, P.S. Bhagwan Bazar, District-Chapra (Saran).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secrerary, Department of Health,
New Secretariat, Patna.
2. The Principal Secretary, Department of Finance, Secretariat, Patna.
3. The Director-in-Chief Health, New Secretariat, Patna.
4. The Civil Surgeon, Bettiah, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Dr. Alok Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Pankaj Kumar, SC-12 Mr. Anuj Kumar, AC to SC-12

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

4 29-03-2024 Heard Dr. Alok Kr Sinha, learned counsel for the

petitioner and Mr. Anuj Kumar, learned counsel for the

respondents.

2. The petitioner who joined as Medical Officer on
15.07.1981 at Primary Health Service at Amnour in Saran
District and retired from service after attaining the age of
superannuation on 31.01.2021, while working as Medical
Officer from Jogapatti under the jurisdiction of Civil Surgeon,
Bettiah, West Champaran, has filed this writ petition for
payment of his post-retiral dues such as pension, GPF, gratuity,
leave encashment, etc.

3. Respondent No. 4 has filed a counter affidavit.



4. From the counter affidavit filed by the respondent no. 4, it appears that the retirement dues of the petitioner have not been paid on the ground that the petitioner remained unauthorisedly absent from duty on and from 20.09.2002 to 31.01.2021. The counter affidavit further reveals that since the petitioner remained unauthorisedly absent from duty for the period mentioned above, his name was not entered in the HRMS portal for payment of retiral benefit of the petitioner and it is important to enter the name of the petitioner in HRMS portal for payment of retiral benefits. Another reason given for denying the petitioner's retirement benefits is that, a departmental proceeding has been directed to be initiated against him for his remaining unauthorisedly absent from duty on 20.09.2002 to 31.01.2021 vide letter dated 15.02.2024, by the Deputy Secretary, Health Department and vide letter dated 28.02.2024 by the Civil Surgeon, Bettiah, West Champaran, annexed in Annexure- R/L and R/M respectively to the counter affidavit.

5. Counter affidavit filed by the Respondent No. 4, thus indicates that the petitioner has been denied of his retiral benefits for his remaining unauthorizedly absent from duty on and from 20.09.2002 to 31.01.2021. No departmental proceeding appears to have been initiated against the petitioner



before his retirement for his remaining unauthorisedly absent from duty on and from 20.09.2002 to 31.01.2021. Though, there is an indication in the counter affidavit that a departmental proceeding has been directed to be initiated in February 2024, which is 3 years after the petitioner retired from service on attaining the age of superannuation, it does not indicate that the said initiation of departmental proceeding after the retirement of petitioner has been done by following any provision of law.

6. Under the aforesaid circumstances, since no departmental proceeding was initiated against the petitioner, while the petitioner was in service for his remaining unauthorizedly absent from duty on and from 20.09.2002 to 31.01.2021 and the counter affidavit filed by the respondent no. 4 does not indicate that the departmental proceeding initiated after the retirement of petitioner from service has been done in accordance with the rules, for which reason the petitioner can be legitimately denied his pension, I am of the considered view that the respondent authorities have not been able to justify that the petitioner has been denied the retirement benefits in accordance with the law.

7. In that view of the matter, this writ petition is disposed of with a direction to the respondent authorities to pay



to the petitioner pension, GPF, group insurance, gratuity and leave encashment, which the petitioner is entitled to under the rules, within a period of two months from the date of receipt of certified copy of the order.

8. This writ petition is disposed of with the above direction.

(Nani Tagia, J)

Siddharth
Sagar/-

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