

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6739 of 2021

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Nagina, Son of Late Ramdeni Ram, Resident of Village- Krishnanagar,
Gobarsahi, P.O.- Khabra, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar at Patna.
2. The Principal Secretary, Education Department, Ministry of Human Resource, Government of Bihar at Patna.
3. The Principal Secretary, Finance Department, Government of Bihar at Patna.
4. The Director, Secondary Education, Department of Education, Ministry of Human Resource, Government of Bihar at Patna.
5. The Director (Administration) cum Deputy Secretary, Department of Education, Ministry of Human Resource, Government of Bihar at Patna.
6. The Accountant General (A and E), Bihar, Patna.
7. The District Education Officer, Muzaffarpur.
8. The DPO (Establishment), Muzaffarpur.
9. The Principal, Government Teacher Training College, Turki, Muzaffarpur.
10. The State of Jharkhand through the Chief Secretary, Government of Jharkhand at Ranchi.
11. The Principal Secretary, Education Department, Ministry of Human Resource, Government of Jharkhand at Ranchi.
12. The Principal Secretary, Finance Department, Government of Jharkhand at Ranchi.
13. The Accountant General (A and E), Jharkhand at Ranchi.
14. The Director, Secondary Education, Department of Education, Ministry of Human Resource, Government of Jharkhand at Ranchi.
15. The Regional Education Deputy Director, North Chotanagpur Division at Hazaribag (Jharkhand).
16. The District Education Officer, Godda, Jharkhand.
17. The Union of India through the Secretary, Department of Personnel and Training under the Ministry of Personnel, Public Grievance and Pension, Union of India at New Delhi.
18. The Director, Department of Personnel and Training under the Ministry of Personnel, Public Grievance and Pension, Union of India at New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vindhya Keshri Kumar, Sr. Advocate
Mr. Neeraj Kumar Alias Sanidh, Advocate
Mr. Ravi Shankar Pathak, Advocate



For the Respondent/s : Mr. Jitendra Kumar Roy, SC-13
Mr. Hitesh Suman, AC to SC-13
For the Accountant General : Mr. Binod Kumar Labh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 30-01-2024

Heard Mr. Vindhya Keshri Kumar, learned senior counsel along with Mr. Ravi Shankar Pathak, learned counsel for the petitioner, Mr. Jitendra Kumar Roy, learned SC-13, for the State and Mr. Binod Kumar Labh, learned counsel for the Accountant General, Bihar.

2. The short facts, which led to the filing of the present writ petition is that despite the petitioner having been compulsorily retired due to inflicting of a punishment in the departmental proceeding, vide notification, as contained in Memo No. 746 dated 19.08.2008, the petitioner has not been paid his admissible post-retiral benefits and arrears of salary compelling him to approach before this Court. It would be proper to quote paragraph 1 thereof in order to highlight the grievance of the petitioner.

“A. For direction upon respondent authority for the payment of Full Pension, Gratuity, Earned Leave Encashment, benefit of Provident Fund, Group Insurance and other admissible retiral benefits attached to the concern post of petitioner.



B. For direction to the respondent no. 11 to regulate service (सेवा विनियमन) of petitioner with effect from 7-1-2000 to 04-09-2004 and further to issue 'Pay-Slip' (वेतन पुर्जा) and payment of arrear of salary with effect from 07-01-2000 to 04-09-2004, in those time period petitioner served his duties to the Jharkhand State and vide Notification No. 2466 dated 04-09-2004 issued by the Department of Human Resource, Govt. of Jharkhand whereby service of petitioner transferred to the State of Bihar.

C. For direction to the respondent no. 02 to regulate service (सेवा विनियमन) of petitioner with effect from 11- 09-2004 to till date of retirement 19-08-2008 and further direct to issue 'Pay-Slip' (वेतन पुर्जा) and make payment of arrear of salary with effect from 11-09- 2004 to 19-08-2008, in terms of 6th pay revision commission.

D. And for any other reliefs/reliefs for which the petitioners are found to be entitled under the provision of law involved in the present case.”

3. Learned senior counsel appearing on behalf of the petitioner submits that from the record, it appears that the claim of the petitioner has not been settled till date on the pretext of non-availability of pay slip, for which the petitioner cannot be held to be responsible.



4. Referring to Annexures-10 and 11 to the writ petition, submission has been made that in response to the letter no. 1927 dated 21.12.2017 and the letter no. 263 dated 28.02.2018, the Incharge Officer, Finance Department, Government of Bihar informed that the record of the petitioner could not find in the department and it appears that Pay Slip has not been issued earlier from the concerned Cell of the Finance Department. Further, the Office of the Accountant General, Bihar vide letter No. GEN 1380/2018-2019 wrote to the Director (Administration)-cum-Additional Secretary, Education Department, Bihar, Patna that if the Pay slip has not been issued by the Department, then in such circumstances, in the light of the direction of the Finance Department, Bihar a fresh Pay Slip is required to be issued. Despite the several correspondences, till date neither fresh Pay Slip has been issued in favour of the petitioner nor the payment has been made.

5. On the other hand, learned counsel for the State submitted that after inflicting the punishment of compulsory retirement upon the petitioner, the Department informed the petitioner to submit pension paper before the authority, but till date he has not submitted his pension paper. More so, the department having ascertained the identical matters, where



pension paper had not been submitted in the department, a communique has also been published in the daily newspaper, through which such retired employees have been informed to submit pension paper so that their grievance relating to unpaid pensionary benefits can be redressed, but even in compliance of the aforesaid public notice, till date the petitioner has not submitted his pension paper.

6. This Court has heard the learned counsel for the respective parties, however, considering the nature of the grievance that the pension is not being processed due to non-availability of the Pay slip, this Court has left with only option, but to dispose of the writ petition with a direction to the respondent nos. 2 and 3 to ensure issuance of a fresh Pay slip in favour of the petitioner on the basis of the available service record, preferably within a period of four weeks' from the date of receipt/production of a copy of this order and on the basis thereof issue necessary sanction order in respect to all the retiral benefits and other admissible dues to the petitioner.

7. Needless to observe that the petitioner has retired compulsorily in the year 2008, but till date not even a single penny towards his retiral benefits has been paid, any defiance of the order shall be taken seriously.



8. The entire exercise must be completed preferably within a period of 12 weeks’ from today.

9. This Court is expected that both the Principal Secretary, Education Department as well as Finance Department shall take up the matter personally and make all the sincere efforts to redress the grievance of the petitioner.

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

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.02.2024
Transmission Date	NA

