IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13752 of 2021

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Dr. Narendra Prasad Singh Son of Late Mahendra Prasad Singh resident of Road No. 2, Shiv Puri, Patna, Police Station- Shastri Nagar in the district of Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health Government of Bihar, Patna.
3. The Additional Secretary, Health Department, Government of Bihar, Patna.
4. The Director - in - Chief, Health Services, Government of Bihar, Patna.
5. The District Magistrate - cum - Collector, Nalanda.
6. The Under Secretary, Health Department, Government of Bihar, Patna.
7. The Civil Surgeon - cum - Chief Medical Officer, Nalanda.
8. The Accountant General, Bihar, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate
For the Respondent/s	:	Mr. Birju Prasad, GP-13

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT
Date : 27-02-2024

Heard Mr. Sunil Kumar, learned counsel for the petitioner and Mr. Birju Prasad, learned GP-13, representing the respondents-State. However, none appears on behalf of respondent no.8/the Accountant General, Bihar.

2. The petitioner, who had retired on 30.06.2020 on attaining the age of superannuation from the post of Medical Officer, Modified Leprosy Control Unit, Nalanda at Biharsharif, has filed this writ petition seeking a direction for payment of

pension, gratuity, leave encashment etc.

3. Respondent nos. 1 to 4 and 6 have filed their counter affidavit. In paragraph nos. 7, 8, 9, 10 and 11 of the counter affidavit filed by respondent nos. 1 to 4, it has been stated as under:-

"7. That thereafter, vides Departmental memo no. 1334(2) dated 30.09.2021 balance 10% pension has also been issued in favour of the petitioner and communicated the same to the Accountant General, Bihar with request to issue authority letters of 10% pension, full gratuity and commutation value of pension of the petitioner.

8. That it is humbly submitted that in the meanwhile, the Accountant General, Bihar, Patna letter no.838 dated 02.11.2021 has informed that the sanction order of commutation value of pension has been issued after lapse of one year from the date of retirement hence, medical examination is required in this matter through the Finance Department, Bihar.

9. That it is humbly submitted that recently, vide Departmental memo no.14(2) dated 12.01.2022 necessary sanction order of unutilized earned leave amount equivalent to 300 days has already been issued and communicated the same to In-Charge Officer, Finance (P.C. R.C.), Department, Bihar for taking further action in this regard.

10. That it is further humbly submitted that in pursuance of letter no.519 dated 30.08.2021 and memo no.841 dated 02.11.2021 issued by the Accountant General, Bihar vide Departmental memo no.23(2) dated 13.01.2022 the copy of no dues certificate issued by

Finance (P.C.R.C.), Department, Bihar has already been sent to the Accountant General, Bihar for further action.

11. That it is further humbly submitted that the Joint Secretary, Health Department, Govt. of Bihar vide his memo no.24(2) dated 13.01.2022 has requested the petitioner to furnish application in prescribed format to the Finance Department, Bihar through the Additional Chief Medical Officer, Nalanda for communication value of pension."

4. Respondent no.8/Accountant General, Bihar has also filed a counter affidavit, wherein, in paragraph nos. 4 to 6, it has been stated as under:-

"4.That Health department, Govt. of Bihar, Patna vide its letter No.1334(2) dated 30.9.2021 accorded sanction for pension, gratuity and commutation of pension in favour of the petitioner.

5. That on receipt of sanction, this respondent's office authorized payment of pension and gratuity in favour of the petitioner vide this office authority No. PEN 11102111173207 / 202111171469 PO dated 26.10.2021 and PEN 090622171665/ 202111171469 Pl dated 11.7.2022.

6. Application for pension commutation in pension Form-IV was provided after one year of retirement by petitioner without medical checkup report. Hence, commutation of pension of petitioner has been withheld and a letter has been issued to Health Department, Bihar vide letter no. Pen -17-838 dated 02-11-2021 for providing medical report with proper sanction."

5. From perusal of the counter affidavit filed on behalf of respondent nos. 1 to 4 and 6, it appears that entitlement of pension, gratuity and leave encashment etc., by the petitioner is not denied and the same appears to have been processed and sanctioned as well.

6. The affidavit filed by respondent no.8/Accountant General, Bihar also reveals that the petitioner has been paid pension and gratuity, as indicated in paragraph no.5 of the said counter affidavit. In paragraph no.6 of the said counter affidavit, it has, however, been stated that the commutation of pension of the petitioner has been withheld for want of medical check up report.

7. Since the entitlement of the pension, gratuity, leave encashment etc., by the petitioner has not been denied by the respondent authorities and also it appears that the petitioner has already been paid pension and gratuity and that only the commutation of pension of the petitioner has been withheld, as indicated in paragraph no.6 of the counter affidavit filed on behalf of respondent no.8/Accountant General, Bihar, this writ petition is disposed of with a direction to the respondent nos. 1 to 8 to pay pension, gratuity and leave encashment as well as commutation of pension along with the admissible interest on

the amount forthwith, if not already paid.

(Nani Tagia, J)

Amrendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27/02.2024
Transmission Date	N/A