

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10769 of 2022

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Mansoor Alam @ Mansoor, S/o Late Gulam Rasool, Resident of Village-Kadirganj, P.S. Dulhin Bazar, District- Patna presently retired as Chain Puller from the Circle Office, Fatuha, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary
2. The District Collector, Patna
3. The Deputy Collector, Establishment, Patna
4. The District Programme Officer, Patna
5. The Circle Officer, Fatuha, District-Patna
6. The District Education Officer, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Mishra, Advocate
For the Respondent/s : Mr. Mankeshwar Tiwari, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 16-01-2024

Heard Mr. Subhash Kumar Mishra, learned counsel appearing on behalf of the petitioner and Mr. Mankeshwar Tiwari, learned AC to AAG-3 for the State.

2. The petitioner, who had been working as driver from 1983 and subsequently was absorbed and appointed against the sanctioned post in year 2013 and further having been superannuated on 31.03.2022, has filed the present writ petition seeking a direction upon the respondent authorities to ensure payment of his post retiral benefits, including gratuity, pension, G.P.F., leave encashment, as also the due salary for the month of



July, 2021 to March, 2022 after quashing the letter no. 1192 dated 27.09.2021 whereby the salary of the petitioner has been withheld for indefinite period, though he has been allowed to discharge his duty till superannuation.

3. A counter affidavit has been filed on behalf of respondent nos. 2 to 5 and it has been averred that pursuant to the request made by the Deputy Collector, Establishment, Patna, the Principal, Collegiate School, Naubatpur, Patna has enquired the educational certificate of the petitioner and vide his letter dated 29.11.2022 submitted a report that the petitioner was not the student of Collegiate School, Naubatpur, Patna, his name did not find place in the attendance register of the record and no Transfer Certificate has been issued in his name. Accordingly, the District Programme Officer (Establishment), Patna vide its letter no. 3464 dated 21.12.2022 has sent the said report of the incharge Principal, Collegiate School, Naubatpur, Patna to the Deputy Collector, District Establishment Section, Patna for the needful.

4. It is submitted on behalf of the State respondents that since the petitioner has obtained his appointment on the basis of forged and fabricated documents, thus the claim made in the writ petition is not justified in the eyes of law.



5. In response to the aforesaid submission, learned counsel for the petitioner submitted that admittedly the petitioner has been allowed to discharge the duty, as daily wagers employee, since 1983 and later on he was appointed as Chain puller in the year 2013, after proper verification of all the documents, and he has also been allowed to superannuate on 31.03.2022 unconditionally, without there being initiation of any departmental proceeding. However, till date no final order has been taken, even in this regard. He further referring to the report submitted by the incharge Principal, Collegiate School, Naubatpur, Patna, submitted at the bar that from the report it appears that the record was not available, thus, in absence of the report, the certificate submitted by the petitioner at the time of his appointment, cannot be said to be forged and fabricated.

6. Considering the nature of the dispute and the fact that the petitioner has rendered his services till the date of his retirement, this Court directs the Deputy Collector, Establishment, Patna to take a final decision in the matter with regard to the entitlement of the petitioner i.e. retiral benefits as well as salary for the period he rendered his duty preferably within a period of ten weeks' from the date of receipt/production of a copy of this order.



7. Needless to observe that in case, the petitioner is found entitled to the retiral benefits and other dues, the same shall be paid to him within the stipulated period as mentioned hereinabove or in case any adverse order would be passed, the same must be reasoned and speaking, after giving proper opportunity of hearing to the petitioner.

8. Accordingly, the present writ petition stands disposed of.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.01.2024
Transmission Date	NA

