

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1136 of 2021

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Bibhuti Nath Jha S/o Late Baidya Nath Jha Resident of Balbhadarpur. PS
Laheriasarai, District Darbhanga, Bihar, Pin-846001

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Patna.
2. The Principal Secretary, Road Construction Department, Bihar,
Vishweshwaraiya Bhawan, Bailey Road, Patna.
3. That Principal Secretary, Building Construction Deptt. (BCD), Bihar, Patna.
4. The Deputy Secretary, to Govt. Building Construction Department, Bihar,
Patna
5. The Engineer-in-Chief-Cum-Special Secretary, BCD, Bihar, Patna.
6. The Chief Engineer North BCD, Bihar Patna.
7. The Superintending Engineer, Muzaffarpur Circle, BCD, Muzaffarpur.
8. The Executive Engineer, Building Division, Vaishali at Hajipur.
9. The Accountant General, Beer Chand Patel Path, Patna, Bihar.
10. The Director, Provident of Fund Directorate, Patna Bhawan, Bailey Road,

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suresh Pd Singh No.1, Advocate Ms. Kumari Rashmi, Advocate
For the Respondent/s	:	Mr. Manoj Kumar Ambastha, SC-26 Mr. Tripurari Nath Ambastha, AC to SC-26
For the Accountant General	:	Mr. Arun Kumar Arun, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 22-01-2024

Heard Mr. Suresh Pd Singh No. 1, learned counsel
appearing on behalf of the petitioner, Mr. Tripurari Nath
Ambastha, learned AC to SC-26 and Mr. Arun Kumar Arun,
learned counsel for the Accountant General.

2. The petitioner, who superannuated on 31.03.2018
from the post of Executive Engineer, Building Construction
Department, Vaishali at Hajipur, has filed the present writ



petition seeking a direction upon the respondents to ensure the payment of all his retiral dues, including the balance 10 % of pension and further the benefit of 3rd ACP and other admissible dues.

3. Pursuant to the direction of this Court, a supplementary counter affidavit has been filed on behalf of the respondent nos. 3 and 8. A categorical assertion has been made that all the substantive amount under the head of pension, gratuity, leave encashment, group insurance and GPF have been paid to the petitioner. Furthermore, the petitioner has also been accorded the benefit of 3rd ACP. He next submitted that now the 100 % pension of the petitioner has also been sanctioned and after issuance of final authority letter, the same has also been paid to the petitioner.

4. A rejoinder to the counter affidavit has been filed. The aforesaid contention of the respondent has been refuted to the extent, it relates to the GPF and, submissions has been made that altogether, the petitioner has rendered services for 445 months, but only the part payment of GPF is paid and still, the deduction, from the salary of the petitioner, for the period of 184 months is kept due, as the respondents have provided an incomplete data for payments and even the entire breakup of the



total 445 months of GPF is not placed before the Hon'ble Court. The petitioner has brought on record a tabular chart in paragraph no. 4 of the rejoinder to the counter affidavit filed on behalf of respondent nos. 3 to 8. It is further submitted that the aforesaid tabulation chart has been obtained under the Right To Information Act, 2005 and on the aforesaid premise, he vehemently submitted that the authenticity of the such tabular chart cannot be doubted. He next submitted that on being aggrieved, the petitioner also made representation before the Executive Engineer, Building Division, Vaishali at Hajipur on 10.03.2023 itself, but the claim of the petitioner has not been acceded to.

5. Considering the submissions advanced on behalf of the respective parties and the materials available on record, including the information furnished to the petitioner under the Right To Information Act, 2005 this Court deems it proper to dispose of the writ petition with a direction to the respondent nos. 8 and 10, to consider the representation of the petitioner, in the light of the tabular chart/breakup furnished by the petitioner and pass a reasoned and speaking order, preferably within a period of eight weeks, from the date of receipt/production of a copy of this order.



6. Needles to observe that, any amount found admissible to the petitioner, must be paid within the period, as stipulated hereinabove.

7. This disposes the writ petition.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.01.2024.
Transmission Date	NA

