

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12900 of 2023

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Jawahar Sahu Son of Late Gauri Sah, Resident of Mohalla - Naya Bazar,
Dalpatti, Ward No. 27, P.O.- Lakhisarai, P.S. - Lakhisarai, District-
Lakhisarai, State- Bihar, PIN CODE- 811311.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Department of Cabinet Secretariat, Government of Bihar, Patna.
2. The Chief Secretary, Department of Cabinet Secretariat, Government of Bihar, Patna.
3. The Principal Secretary, Department of Health, Government of Bihar, Patna.
4. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
5. The Joint Secretary, Department of Health, Government of Bihar, Patna.
6. The Joint Secretary, Department of Finance, Government of Bihar, Patna.
7. The Deputy Secretary, Department of Health, Government of Bihar, Patna.
8. The Under Secretary, Department of Health, Government of Bihar, Patna.
9. The Civil Surgeon cum Chief Medical Officer, Lakhisarai.
10. The Civil Surgeon cum Chief Medical Officer, Samastipur.
11. The Accountant General, Bihar, Patna Mahalekhakar Bhawan, Veerchand Patel Path, Patna - 800001.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Deepak Kishore, Advocate
For the Respondents	:	Mr. Rajeshwar Singh, GA-10
		Mr. Jitendra Kumar, Advocate
For the A.G, Bihar	:	Ms. Ritika Rani, Advocate

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA

ORAL JUDGMENT

Date : 03-05-2024

Heard Mr. Deepak Kishore, learned counsel for the
petitioner, Ms. Ritika Rani, learned counsel representing the
respondent No. 11 and Mr. Jitendra Kumar, learned counsel
representing the respondent nos. 1 to 10.



2. The petitioner, who retired from service on 31.12.2021 on attaining the age of superannuation from the post of Medical Officer, Community Health Centre, Suryagadha, Lakhisarai, has filed this writ petition praying for payment of his retirement benefits, such as, pension, GPF, leave encashment and gratuity.

3. Learned counsel for the petitioner has submitted that during the pendency of the writ petition, all other retiral benefits of the petitioner have been paid, except the leave encashment of 300 days.

4. Learned counsel appearing on behalf of the Accountant General, Bihar has filed a counter affidavit. In paragraph no. 5 thereof, it has been stated that pension and gratuity of the petitioner have been paid. However, in paragraph no. 6 thereof, it has been stated that so far as the payment of GPF and leave encashment are concerned, it is the department concerned who has to take necessary steps in this regard.

5. The respondent nos. 1 to 10 have not filed counter affidavit, despite time for filing of the counter affidavit was granted on three occasions, i.e., on 27.09.2023, 19.02.2024 and 02.04.2024 respectively.



6. Learned counsel appearing for respondent nos. 1 to 10 has submitted that the counter affidavit on behalf of respondent nos. 1 to 10 could not be filed due to the ensuing general elections.

7. Having taken note of the submission made by the learned counsel for the respondent nos. 1 to 10, this writ petition is disposed of with a direction to the respondent authorities to pay the petitioner leave encashment of his unutilized earned leave of 300 days as well as the GPF amount within a period of four weeks from the date of receipt of the certified copy of this order, if not already paid.

8. The writ petition is disposed of with above directions.

(Nani Tagia, J)

Siddharth
Sagar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.05.2024
Transmission Date	NA

