

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14006 of 2023

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Ajay Kumar Dayal, Son of Late Sidheshwar Dayal, Resident of Mohalla-Mohanpur, Punaichak (Near Pump House) Police Station- Shastri Nagar, Town and District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department Government of Bihar, Old Secretariat, Patna.
2. The Secretary, Minor Irrigation Department, Now Minor Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
3. The Chief Engineer, Minor Irrigation Department, Now Minor Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
4. The Superintending Engineer, Minor Irrigation Circle, Patna.
5. The Accountant General (A and E), Bihar, Birchand Patel Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Mohan, Advocate
For the Respondent/s	:	Mr. Anirban Kundu, SC- 24
For the AG, Bihar	:	Mr. Ram Kinker Choubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 08-10-2024 Heard the parties.

2. Counter affidavit has been filed on behalf of respondent nos. 1 to 4.

3. It is contended that on being superannuated on 31.01.2018, the payment of post-retiral benefits of the petitioner was sanctioned by the competent authority. Further, in pursuant to the direction issued by the Chief Engineer vide its letter no. 908 dated 27.04.2018, the Superintending Engineer issued “No Dues Certificate” in favour of the petitioner vide letter 859 dated 28.04.2018 (Annexure-P/12 of the writ petition) after



deducting the recoverable amount from the gratuity of the petitioner so that other post-retirement benefits could be paid to him.

4. It is made clear that as the issue with regard to the entitlement of an amount to the tune of Rs.10,45,646/- on account of fixation of wrong pay scale is the subject matter of CWJC No. 179 of 2018, pending before this Court, decision has been taken to pay all the retiral benefits and other dues after deducting the afore noted recoverable amount.

5. Despite the aforesaid decision, the learned Advocate for the petitioner contended, that the other admissible retiral benefits of the petitioner have not been accorded till date by one pretext or the other.

6. Considering the fact that the issue with regard to the entitlement of the petitioner to the pay scale and corresponding amount, as noted hereinabove, is the subject matter of CWJC No. 179 of 2018, which is pending consideration before this Court, there is no impediment in granting the other remaining retiral benefits, after keeping the amount, in question, on hold. Withholding of any other retiral benefits or dues is not at all justifiable, in any view of the matter.



7. The respondent nos. 1 to 4 are directed to ensure payment of remaining retiral benefits/other dues to the petitioner preferably within a period of ten weeks from the date of receipt/production of a copy of this order.

8. Suffice it to say that other grievance of the petitioner, if not answered by the respondents, can be raised in CWJC No. 179 of 2018.

9. The writ petition stands disposed off with the aforesaid observations and directions.

(Harish Kumar, J)

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