IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16697 of 2023

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Akhileshwar Prasad Singh Son of Late Prasadi Singh Resident of Village-Ranidiara, P.S.-Kahalgaon, District-Bhagalpur.

... ... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary General Administration Department, Government of Bihar, Patna.
2. The Principal Secreary General Administration Department, Government of Bihar, Patna.
3. The Accountant General, Bihar (A and G), Patna.
4. The Under Secretary, General Administration Department, Government of Bihar, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Mumtaz Uddin, Advocate
For the Respondent/s	:	Mr. Syed Iqbal Ahmad, SC-20 Mr. Mahtab Alam, AC to SC-20
For the Accountant General	:	Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 08-10-2024

Heard the parties.

2. The petitioner a member of Bihar Administrative Service, superannuated from the post of Officer on Special Duty, Patna Municipal Corporation, has approached before this Court, seeking a direction upon the respondents to ensure payment of all the admissible retiral benefits, including 10 per cent of his pension, full amount of gratuity, leave encashment as well as GPF and other retiral benefits.

3. A counter affidavit as well as supplementary counter affidavit have been filed on behalf of the respondent

nos. 1, 2 and 4. So far the entitlement of the petitioner under the head of GPF is concerned, it is averred that the petitioner has submitted an application on 12.09.2023 for payment of amount contributed by him in his GPF account. The aforesaid application was immediately returned to the petitioner with BTC Form-56 and petitioner was requested to make available the application with BTC Form-56, before the GPF Directorate, Finance Building Gardanibagh in the light of Notification No. 1126 dated 15.03.2017.

4. In response thereto, learned Advocate for the petitioner apprised this Court that the petitioner has already submitted the required documents along with the BTC Form-56 before the office of the GPF Director.

5. Learned Advocate for the State drawing the attention of this Court to the averments made in the supplementary counter affidavit has thus, submitted that as the petitioner was facing a criminal charge, 10 per cent of pension and other retiral benefits were withheld. However, later on, it came to know that the investigating officer has not sent up the petitioner for trial vide charge-sheet no. 24 of 2000 dated 23.04.2000 and thus, a decision has taken to ensure all the admissible amount to the petitioner.

6. In the light of the aforesaid facts, vide letter no. 5760 dated 08.04.2024, encashment of amount to unutilized earned leave has also been sanctioned in favour of the petitioner. Further, vide order no. 7108 dated 07.05.2024, the petitioner has accorded sanction of remaining 10 per cent pension and full gratuity, the copy of which has been brought on record by way of Annexure-R/5 to the supplementary counter affidavit.

7. Despite the aforesaid sanction letters issued in favour of the petitioner, according the benefit of GPF, leave encashment and the final pension, actual amount has not been paid to the petitioner.

8. Considering the averments made in the counter affidavit as well as supplementary counter affidavit, this Court left with no option, but to direct the respondent no. 2 to look into the matter and ensure payment of all the admissible dues of the petitioner, preferably within a period of 12 weeks, from the date of receipt/production of a copy of this order.

9. Suffice it to say that if the necessary sanction letters and the service book has already been sent to the Accountant General, Bihar, he shall take up the matter on priority basis and ensure the issuance of the necessary Authority Letter/PPO forthwith. Soon after the issuance of the Authority Letter/ PPO,

the payment shall be made to the petitioner through the concerned Treasury Officer. The entire exercise must be completed within the stipulated period, as noted hereinabove.

10. In case any amount is not paid within the stipulated period, the petitioner shall be entitled for the interest @ 8% over the unpaid amount.

11. The writ petition stands disposed off with the aforesaid direction.

(Harish Kumar, J)

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