

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11951 of 2024

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Rakesh Prasad son of Yadunandan Sinha, resident of Chotki Delha, Bagicha School Compound, P.S-Delha, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Road Construction Department, Vishewaria Bhawan, New Secretariat, Patna.
2. The Superintending Engineer, Road Construction Department, Magadh Road Circle, Gaya.
3. Executive Engineer, Road Construction Department, Road Division No. 1, Gaya.
4. Treasury Officer, Gaya.
5. Accountant General Bihar, Veer Chand Patel Path, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pratap Sharma, Adv.
For the State	:	Mr. Prashant Pratap, GP 2
For the AG	:	Mr. Vivekanand Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 19-06-2025

Heard the parties.

2. The petitioner has approached this Court seeking a direction upon the respondents for payment of final pension, gratuity and other dues for which PPO and GPO came to be issued on 19.04.2024 itself.

3. It is the contention of the petitioner that notwithstanding the fact the petitioner is facing any departmental or judicial proceeding the date on which, he superannuated, but to utter disregard to the government decision



and the law, the respondent authorities, especially the Superintending Engineer, Road Construction Department, Magadh Road Circle, Gaya and the Executive Engineer Road Construction Department, Road Division No. 1, Gaya have withheld the gratuity and other dues. Nonetheless it is the case of the petitioner that upon his superannuation the entire charges have been handed over to the authorities concerned.

4. A counter affidavit has been filed on behalf of the respondent no. 3 with categorical averments that the petitioner is himself responsible for delay in payment of pension and gratuity as he has not handed over charges of the important file and document lying with him to the person authorized to take over charge under letter No. 688 dated 16.05.2024.

5. Mr. Prashant Pratap, learned G.P.-2 contended that No Objection Certificate could not have been issued and sent to the Treasury for payment of pension as the petitioner has not handed over the charge of various files; yet, though the petitioner has been repeatedly asked to hand over the charge of various files and records but nothing has been done.

6. Controverting the aforesaid submissions and the averments made in the counter affidavit, a response has been filed on behalf of the petitioner bringing on record his letter



dated 12.06.2024 by explaining in detail that the allegation of non handing over of the charge is completely incorrect and the complete lists of charges which were handed over to the concerned authorities have been placed on record as Annexure-11 series.

7. Learned Advocate for the petitioner further contended that *malafide* of the respondent authorities is also writ large that despite the order of recovery being stayed by the Superintending Engineer, Road Construction Department, Magadh Road Circle, Gaya as contained in office order No. 64 dated 21.06.2023, the Executive Engineer has not accorded the arrears of salary.

8. Considering the submissions advanced and the materials available on record, especially the letter of the petitioner dated 12.06.2024 and the charge reports, this Court *prima facie* is of the opinion that after superannuation of the petitioner, charges were handed over to the persons authorised in this behalf and the same was accepted without any objection. In case, still charge of some of the records is yet to be handed over by the petitioner, for which specific letter is required to be issued at the level of the Executive Engineer; however there is nothing on record as such.



9. It has been apprised to this Court that after filing of the rejoinder, now admissible pension has been paid to the petitioner.

10. In the afore mentioned circumstances, this Court thinks it apt and proper to direct the concerned respondent(s) to issue No Objection Certificate in favour of the petitioner forthwith so that the petitioner can get his gratuity and other dues, as withholding of the same, without any order based upon statutory rules, regulation and law, is wholly unsustainable.

11. However, this Court makes it clear that this order will not come in the way to both the respondent and the petitioner to make correspondences and sit together to settle the issue of charge, if yet not finalised.

12. The writ petition stands disposed off with the aforesaid observation and directions.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	24 .06.2025
Transmission Date	

