

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14694 of 2024

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Shekh Sagir Ali Son of Shekh Hamid Resident of Village- Amour, P.S.-
Amour, District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Road Construction Department, Vishweshwaraiya Bhawan, New Secretariat, Patna.
2. Engineer-in-Chief cum Special Secretary, Road Construction Department, Vishweshwaraiya Bhawan, New Secretariat, Patna.
3. Chief Engineer, Rural Engineering Organization-2, Rural Development Department, Old Secretariat, Patna.
4. Executive Engineer, Road Construction Department, Road Division, Purnia.
5. Executive Engineer, Rural Engineering Organization, Work Division, Kishanganj.
6. District Provident Fund Officer, Kishanganj, District- Kishanganj.
7. Block Development Officer, Amour, District- Purnia.
8. 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 Respondent/s	:	Mr. Mujtabaul Haque, GP-12
For the AG, Bihar	:	Mrs. Ritika Rani, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 23-07-2025

Heard the parties.

2. Admittedly, the petitioner superannuated long back on 31.01.2000, while working as Junior Engineer in the office of Chief Engineer, Rural Engineering Organization-2, Rural Development Department; and now, he approached this Court for extending the benefit of all the retiral benefits and other dues.



3. It is the specific contention of the petitioner that besides the salary for the period September, 1995 to January, 2000, the petitioner has also not been accorded any benefit on account of alleged financial irregularities. Referring to Annexure-P/2, it is contended that the Executive Engineer, Road Construction Department, Road Division, Purnia vide its Letter No. 383 dated 16.03.2000 has already sent the last pay certificate for payment of admitted due salary and retiral benefits but, till date, the same has not been paid.

4. A counter affidavit has been filed on behalf of the respondent nos. 2 to 4 and it is submitted that the petitioner has approached this Court after delay of two decades; that apart, the petitioner has not handed over the charge of Master Roll as well as Measurement Book, despite the direction given by the Executive Engineer, Road Division, Purnia. Repeated reminders have been given, but to no avail and, in the meantime, the petitioner superannuated.

5. Learned Advocate for the State further submitted that there is an amount of Rs. 61,485.50/- due against the petitioner and in absence of service book, till date, the calculation could not be made. So far the benefit under the ACP scheme is concerned, he further submitted that since the



petitioner has worked only for seven years in the concerned department, therefore, such benefit has not been accorded.

6. The entire contention raised by the State respondents has been refuted by the learned Advocate for the petitioner. It is further submitted that with respect to the benefit under the ACP scheme, the petitioner had also approached this Court in CWJC No. 14697 of 2024, where this Court has granted liberty to the petitioner to avail the remedy as provided under the Bihar Government Servant Grievances Redressal Rules, 2019 and accordingly, the petitioner had approached before the Engineer-in-Chief cum Special Secretary, Road Construction Department, but no action has been taken till date.

7. Considering the submission set forth by the learned Advocate for the respective parties and the materials available on record, this Court is of the opinion that the facts narrated by the petitioner that he had been discharging his duty on the post of Junior Engineer till the date of his retirement, i.e. on 31.01.2000 has not been denied. Furthermore, the last pay certificate has already been issued long back in the year 2000 itself. It is the department, who is the custodian of the service book and the relevant records.

8. Admittedly, there is a delay, however, in no



circumstances, it would defeat the substantial entitlement of the petitioner to get the post retiral benefits. It would be pertinent to observe that the learned Division Bench of this Court in the case of *Union of India & Ors. Vs. Braj Nandan Singh & Anr., (2003) 3 PLJR 409* has observed that; to receive post retirement benefits is a right of service which comes inherent with service. No law of limitation applies to be given pension which is not a bounty; it is an attribute of service. An employee may have not chased his pension is one aspect of the matter but the State cannot get away from the proposition that pension is due and has to be paid.

9. This Court also finds substance that till date the petitioner has neither been subjected to any departmental proceeding nor there is judicial proceeding pending against him. Hence, withholding of any retiral benefits and other dues is unsustainable.

10. In view, thereof, the present writ petition stands disposed off with a direction to the respondent no. 3 to consider the claim of the petitioner, as raised in the present writ petition and settle the dispute, preferably within a period of twelve weeks, from the date of receipt/production of a copy of this order.



11. The writ petition stands disposed off.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2025
Transmission Date	NA

