

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10881 of 2011

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Uday Singh Late Kedar Singh R/O Vill. Bara, P.S. Khizarsarai, Distt. Gaya
..... Petitioner/s

Versus

1. The State Of Bihar Through Secretary Rural Works Department, Govt. Of Bihar Patna
2. Engineer-In-Chief, Rural Works Department, Govt. Of Bihar Patna
3. The Chief Engineer, Rural Works Department Patna
4. Superintending Engineer, Rural Works Department, Circle-2 Patna
5. Executive Engineer, Rural Works Department, Works Division 2 Biharsharif, Distt. Nalanda

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh

For the Respondent/s : Mr. Aditya Nath Pandey, A.C. to S.C.-1

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

- 3 26-09-2014 1. The petitioner retired as Junior Engineer, Rural Works Department, Government of Bihar with effect from 30.06.2009. The present writ application has been filed seeking direction to the Respondents to pay to him all post retiral dues which according to him, is being delayed without any valid reason.
2. Counter affidavit and supplementary counter affidavit have been filed on behalf of Respondent-State of Bihar. The reason for non-payment of post retiral dues is being said to be non-handing over of the charge by the petitioner after his superannuation. On the other hand, it has been asserted by the petitioner that after he retired from service, he made all efforts to make over the charge but there was none to take over the charge.

In the supplementary counter affidavit, it has been stated on behalf of the Respondents that the petitioner had taken advance to the tune of Rs. 11,88,611/- which is to be adjusted against the petitioner's retiral dues.

3. Learned counsel for the petitioner would have no objection if this application is disposed of with a direction to the Respondents to clear his all retiral dues if the petitioner either pays or agrees for adjustment of the said amount of Rs. 11,88,611/- from his retiral/other benefits, which he is entitled to receive.

4. In view of the stand taken by the learned counsel for the petitioner, this application is disposed of with a direction to Executive Engineer, Rural Works Department, Works Division 2, Biharsharif, Nalanda to issue sanction order for payment of petitioner's post retiral dues after the petitioner clears the advance which he is said to have been taken to the tune of Rs. 11,88,611/- or agrees that the said amount be adjusted against his retiral admissible dues. The sanction order must be issued within a period of three months from the date of receipt/production of a copy of this order and clearance of the said advance whichever is later. Alternatively, If the petitioner is ready to give an undertaking that the said amount may be adjusted against retiral dues, the said period will be counted from the date of submission

of undertaking before Respondent No. 5. Once the sanction orders are issued, Respondents will ensure that the petitioner is paid his all retiral dues within the period of one month thereafter.

5. Learned counsel for the petitioner submits that unnecessarily, a dispute is being raised with respect to non-handing over of the charge by the petitioner and petitioner is ready to hand over the charge for which necessary steps must be taken by the Respondents forthwith.

6. This Court observes that Respondent No. 5 will ensure that no unnecessary dispute is raised over handing over/taking over the charge which the petitioner was holding at the time of his superannuation.

7. This application stands disposed of.

(Chakradhari Sharan Singh, J.)

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