

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8066 of 2016

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Amar son of Sri Baleshwar Prasad Singh, resident of B/12 Sachivalay Colony, Kankarbagh, Police Station- Kankarbagh, District and Town-Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary SC and ST, Welfare Department, Bihar, Patna.
2. The Collector, Aurangabad.
3. The Director, Schedule Caste and Schedule Tribes, Welfare, Department, Bihar, Patna.
4. The Deputy Director, Welfare Magadh Division, Gaya-cum-Enquiry Officer.
5. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Tewary, Advocate

For the Respondent Nos. 1 to 4 : Dr. Anil Kumar Upadhyay, SC 2

Mr.Naresh Prasad, AC to SC 2

For the Respondent No. 5 : Mr.Arun Kumar Arun, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 30-09-2016

Heard the parties.

2. The petitioner, who claims to have superannuated from service from the post of District Welfare Officer, Aurangabad on 31.01.2014, has filed the present writ petition seeking a direction to the respondent-authorities for payment of post retiral dues as also for fixation of pension etc.

3. In view of the nature of the grievances/claims raised on behalf of the petitioner in the present writ petition, this Court is of the opinion that instead of asking the respondents to file their counter affidavits, the interest of justice shall be subserved if the petitioner is granted liberty to file a fresh comprehensive representation before the respondent Principal Secretary, Scheduled Castes and Scheduled Tribes, Welfare Department, Government of Bihar, Patna with all supporting

documents and raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

4. If such a fresh comprehensive representation is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the respondent Principal Secretary of the Department concerned, either himself or any other competent authority of the respondent State, as per his endorsement, shall be obliged to consider and decide the claims of the petitioner by a reasoned and speaking order, after giving an opportunity of hearing to the petitioner, besides others, if any, at an early date preferably within a period of two months from the date of filing of such comprehensive representation by the petitioner.

5. If on consideration of the materials, the competent authority comes to a conclusion that the claims raised on behalf of the petitioner are admissible to him, then consequential benefits shall be granted to him without any unnecessary further delay.

6. It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner and this is left to be decided by the competent authority strictly in accordance with law.

7. The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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