
(2020) 06 PAT CK 0151

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 6884 Of 2018

Suresh Chandra Pandey

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 01-06-2020

Acts Referred:

Citation : (2020) 06 PAT CK 0151

Hon'ble Judges : Ashutosh Kumar, J

Bench : Single Bench

Advocate : Sanjay Kumar, Ajay

Final Decision : Disposed Of

Judgement

Heard Mr. Sanjay Kumar, learned Advocate for the petitioner, Mr. Nikesh Kumar for the Zila Parishad and Mr. Krishna Chandra for the State.

The petitioner has approached this Court for a direction to the respondents to pay his entire post-retiral dues comprising provident fund, gratuity, leave encashment etc. which has not been paid to him up till now, even though he has superannuated about four years ago.

It appears from the writ petition that the petitioner was employed at Bhojpur Zila Parishad from where he superannuated on 31.01.2014. After his retirement, when his post-retiral dues were not paid to him, he made several representations to the Chairman and the Chief Executive Officer, Bhojpur Zila Parishad but to no avail. Some of the representations preferred by the petitioner has been annexed with the writ petition. The petitioner has also shown the urgency for the respondents to make available to him his post-retiral dues. Even otherwise, post-retiral dues are required to be paid to an employee which is not a bounty, but something which has been earned by an employee during his service tenure.

Any delay in payment of post-retiral dues cannot be justified on any ground whatsoever.

Regard being had to the circumstances of the case of the petitioner, this Court directs that in case the post retiral dues of the petitioner has not been paid up till now, the petitioner shall make a suitable representation giving specific details of his dues before the Chief Executive Officer, Bhojpur Zila Parishad within a period of eight weeks. The concerned respondent shall look into the matter, have the facts verified and in case the claim of the petitioner is found to be tenable, pass necessary orders and make necessary arrangement as well for payment of the post-retiral dues of the petitioner within a further period of six weeks thereafter.

With the aforesaid direction/observation, the writ petition stands allowed and disposed of.