
(2022) 11 PAT CK 0021

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 1232 Of 2021

Syed Reyazuddin @ Md. Reyajauddin

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 07-11-2022

Acts Referred:

Citation : (2022) 11 PAT CK 0021

Hon'ble Judges : Harish Kumar, J

Bench : Single Bench

Advocate : Raj Nandan Prasad, Manoj Kumar

Final Decision : Disposed Of

Judgement

Heard Mr. Raj Nandan Prasad, learned counsel for the petitioner and Mr. Manoj Kumar, learned AC to GP 4 for the State.

The present application has been filed seeking a direction upon the respondents for payment of gratuity, leave encashment and G.P.F. amount, apart from the other outstanding dues along with up-to-date statutory interest.

Learned counsel for the petitioner submits that the petitioner was appointed as Constable in Bihar Police Service in June 1980. However, on account of the charge of over staying his leave for a period of 125 days, a disciplinary proceeding was initiated and the same was concluded by an order terminating the service of the petitioner, vide memo no. 1547 dated 31.07.1998. He further submits that after having failed in the departmental appeal vide order dated 20.04.2020, passed by Deputy Inspector General, Champaran Range, Bettiah, the petitioner approached before this court by filing CWJC No. 8595 of 2000. However, the said writ application was dismissed by order dated 06.12.2007 as contained in Annexure-1 to the writ application. He next submits that the petitioner thereafter submitted his application before the Superintendent of Police, Bettiah, West Champaran for payment of the retiral benefits as stated in para no.1 of the writ application, however no payment has been made.

On the other hand, learned counsel for the respondent State submits that admittedly the petitioner was dismissed from his service on account of unauthorized absence from a discipline force, which is a grave misconduct as has been held by various judgment of the Hon'ble Apex Court time without number. He next submits that though the petitioner is not entitled for pension and gratuity, however, he is entitled for the other remaining retiral benefits and in this regard the Assistant Inspector General of police (Inspection) Bihar, Patna, vide its letter No. 1103 dated 26.10.2021, informed the Superintendent of Police, West Champaran at Bettiah to ensure payment of admissible retiral benefits except the amount of pension and gratuity. He further submits that the deduction statement of the provident fund of the writ petitioner for the period of 1980-81 to 1998-99 has been sent to the office of the District Provident Fund Officer and after issuance of the authorities slips for final withdrawal, the payment shall be made to the petitioner.

From the aforesaid submissions made on behalf of the parties and the material available on record, it is evident that the letters from the Assistant Inspector General of police (Inspection) Bihar, Patna, has been issued way back on 26.10.2021, communicated to the Superintendent of Police, West Champaran at Bettiah as well as District Provident Fund Officer, West champaran at Bettiah, but till date no payment has been made. Hence, this court left with no option but to dispose of the writ application with a direction to the Superintendent of Police, West Champaran at Bettiah, to ensure the admissible retiral dues of the petitioner as has been avered in the counter affidavit, as early as possible preferably within a period of six weeks from the date of receipt/production of copy of this order, failing which, the petitioner would be entitled for statutory interest over the remaining retiral dues and the same would be realized from the erring officials.

Accordingly, the present writ application stands disposed of.