
Kishori Prasad Mehta Vs State Of Bihar And Others

Civil Writ Jurisdiction Case No.13047 Of 2019

Court: Patna High Court

Date of Decision: June 15, 2020

Hon'ble Judges: S. Kumar, J

Bench: Single Bench

Advocate: Shrawan Kumar Saraf, Roona, Ajay Bihari Sinha, Binod Kumar Labh

Final Decision: Disposed Of

Judgement

S. Kumar, J

Heard learned counsel for the parties.

This writ application has been filed by the petitioner for payment of pension, gratuity, leave salary and other post-retiral benefits with interest on

delayed payment.

Petitioner was appointed as a class-III employee in the Health Department and after serving at different places, he superannuated on 30.11.2013 from

the Office of District Leprosy Eradication Officer, Nawada and prior to his retirement he had submitted his pension paper in advance to pension

sanction authority, however, in spite of several representations before the respondent authorities pension and other retiral dues was not paid.

It has been admitted by the petitioner that a criminal proceeding is pending against him in which he is on bail. A departmental proceeding was also

contemplated against him, however, in the meantime he retired from service. Learned counsel for the petitioner relies upon a judgment of Apex Court

in the case of State of Jharkhand & Ors vs. Jitendra Kumar Srivastava & Ors since reported in (2013) 12 SCC 210, according to which even during

pendency of criminal case or departmental proceeding a retired employee is entitled for 100% provisional pension/pension.

A counter affidavit has been filed by Civil Surgeon cum C.M.O. Jehanabad, in which it has been stated that deponent has instructed the Additional

Chief Medical Officer, Nawada, to proceed and make the payment.

The writ petition is disposed of with a direction to the petitioner to file a detailed representation before the Additional Chief Medical Officer, Nawada

indicating itemwise retiral dues yet to be paid to him and such representation to be considered by the Additional Chief Medical Officer, Nawada,

within three months from the date of filing of such representation and admitted retiral dues to be paid within two months thereafter.

With the aforesaid direction, this writ petition is disposed of.