

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9618 of 2022

Jaideo Prasad Son of Late Bishnu Deo Prasad, Resident of Flat No.-
Saraswati-2, 403, Jalalpur City, Ram Jaipal Path, P.S.- Rupaspur, District-
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Bihar, Patna.
2. Principal Secretary, Water Resources Department, Bihar Patna.
3. Joint Secretary, Water Resources Department, Bihar, Patna.
4. Deputy Secretary, Water Resources Department, Bihar, Patna.
5. Executive Engineer, Flood Control and Drainage Division, Biharsharif.
6. Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate.
For the State : Mr. Rewti Kant Raman, AC to SC-11.
For the Accountant General: Mrs. Nivedita Nirvikar, Sr. Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 25-07-2023

Heard Mr. Sanjay Kumar, learned counsel
appearing on behalf of the petitioner; Mr. Rewti Kant Raman,
learned AC to SC-11 and Mrs. Nivedita Nirvikar, learned senior
counsel for the Accountant General.

2. The petitioner has filed the following writ
petition for the following reliefs:

(i) To issue appropriate direction, order or writ in the nature of Mandamus commanding the respondents to make payment of gratuity amount of the petitioner who superannuated on 31.01.2021 from the post of Executive Engineer, Flood Control and Drainage Division, Biharsharif but till date the said amount has not been paid to him.

(ii) To issue appropriate direction, order or writ in the nature of Mandamus commanding the respondents to make payment of remaining 10% pension of the petitioner which has wrongly been withheld by the respondents in garb of pendency of departmental proceeding against the petitioner



*for last 30 months for no fault of the petitioner.
(iii) To grant any other relief or reliefs to which the petitioner is entitled.*

3. Learned counsel appearing on behalf of the petitioner submits that he has been instructed that the petitioner wants to file a detailed representation before the appropriate authority in light of the order dated 11.04.2023 passed in **C.W.J.C. No. 5005 of 2023 (Tarkeshwar Dhar Dwivedi vs. The State of Bihar & Ors.)**. Learned counsel further submits that the case of the petitioner is also covered by a judgment of full Bench of this Court as well as judgment passed by the Apex Court in the case of **Dr. Hira Lal Vs. The State of Bihar & Ors.** reported in **(2020) 4 SCC 346**.

4. The representation of the petitioner is directed to be disposed of within a period of six weeks. The payments must be paid during the aforesaid period to which the petitioner is entitled with along with statutory interest.

5. The writ petition, accordingly, stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	26.07.2023
Transmission Date	N.A.

