

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

(Civil Writ Jurisdiction)

C.W.J.C. No. \_\_\_\_\_ of 2013

Deo Narayan paswan ..... Petitioner

Versus

The State of Bihar and others ..... Respondents

Sub:- **Retirement benefit.**

**I N D E X**

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**Synopsis**

- for payment of all retiral dues along with arrears of pension with interest as some of the retiral benefit has been given to the petitioner but the same are meager and further direction be issued to provide calculation chart.

01/01/90-Petitioner appointed as chaukidar by the competent authority.

25.11.07- Petitioner has been retired from the post of chaukidar.

12.07.10 – authority slip has been issued from the level of accountant General, Bihar for pension

-- petitioner filed representation before the authority concern but but no action has been taken.

Hence this writ application.

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

(Civil Writ Jurisdiction)

C.W.J.C. No. \_\_\_\_\_ of 2013

In the matter of an application  
Under Article 226 of the  
Constitution of India;

A N D

In the matter of;

Deo Narayan paswan S/o Late Bhola paswan, resident of  
village-Arajpur, P.S. chausa, District-Madhepura.

..... Petitioner

Versus

1. The State of Bihar.
2. The Home Commissioner, Bihar, Patna.
3. The District Magistrate, Madhepura.
4. The Superintendent of Police, Madhepura.
5. The circle officer, Block- Chausa, Distt- Madhepura.

-----Respondents.

To,

The Hon'ble Ms. Justice Rekha M. Doshit, the Chief Justice of the High Court of Judicature at Patna and her Companion Justices of the said Hon'ble Court.

The humble writ petition on behalf of  
the petitioner above named;

**Most Respectfully Sheweth:-**

1. That this application is directed to command the respondents for payment of all retiral dues along with arrears of pension with interest as some of the retiral benefit has been given to the petitioner but the same are meager and further direction be issued to provide calculation chart.
2. That the following questions of law are involved in the present writ application.
  - (i) Whether non payment of retiral dues is arbitrary?
  - (ii) Whether withholding of part retiral dues is without jurisdiction?
  - (iii) Whether the pension , gratuity and other retiral dues are bounty or it is a valuable right of an employee?

(iv) Whether the action of the respeondernt is arbitrary, malafide and without any sense of justice?

(v) Whether the action of respondents concern amounts to abuse of process and misuse of power ?

3. That the petitioner is citizen of India and is residing within the jurisdiction of this Hon'ble Court.

4. That the petitioner was appointed as chaukidar vide memo no 211-2 dated 18/04/93 passed by District Magistrate, Madhepura and his joining has been accepted by the competent authority is 01/01/90

5. That during the whole service career the petitioner has discharged his duty with full devotion and sincerity to the satisfaction of all concern authority and there was no any complaint against him and he was neither subjected to departmental proceeding nor any show cause was asked from him.

6. That it is respectfully stated and submitted that the petitioner has been superannuated on 31/12/07 and as per direction by the concern authority the petitioner has been submitted his required documents to the office of respondents.

A copy of letter dt 25/11/07 is being annexed herewith marked as annexure- 1 which forms part of the petition.

7. That it is respectfully stated and submitted here that the petitioner has been paid part of the retrial benefit from the respondents and he has been several time approached with the authority for making payment of retireal benefit but is vain.

8. That it is relevant to states here that the petitioner received a letter of authority slip which has been issued from the level of respondent accountant General, patna in which it has been asserted that the pension of the petitioner has been fixed of Rsb 1334/- per month and started from 1/1/98 but it is shocking to say that the same has not been made up till now.

A copy of authority slip is being annexed herewith marked as annexure- 2 which forms part of the petition.

9. That it is humbly stated and submitted that the pension, gratuity and other retrial benefits is not a bounty to be distributed by the employer to its employee rather it is a valuable right and property in the hand of employer and they

are duty bound to pay the same within a reasonable period but in the case of the petitioner who is a class IV employee has been harassed by the authority concern which necessitates to file the instant application.

10. That it is further been stated and submitted that the petitioner running from pillar to post for retrial benefits but his Herculean efforts has gone in vain and lastly on petitioner filed representation before the authority concern but the same has not been considered by the authority concern which necessitates to filed instant application before this

11. That in the aforesaid backgrounds the matter needs interference of this Hon'ble court so that petitioner could get his full retirla benefit as mentioned in para-1 of this writ application.

12. That in the facts and circumstances stated here the petitioner has not left any adequate, efficacious , alternative and speedy remedy then to move before this Hon'ble under writ jurisdiction.

13. That the petitioner is entitled for interest on the above amount.

14. That the petitioner has not moved before this Hon'ble Court earlier in this connection.

It is, therefore, prayed that your lordships be pleased to issue Rule NISI, calling upon the respondents to show cause as to why the respondents be not directed to pay full retrial dues to the petitioner including the arrears of pension with interest and on return of the rule, if any, the same may be made absolute directing the respondents to pay all dues issuing appropriate writ/writs, order/orders, direction (s).

A N D / O R,

be pleased to pass such other order or orders as your lordships may deem fit and proper.

And for this the petitioner shall ever pray.



### Affidavit

I, Deo Narayan paswan, aged about-65 years, S/o Late Bholu paswan, resident of village-Arajpur, P.S. Chausa, District-Madhepura, do hereby solemnly affirm and state as follows:-

1. That I am petitioner in this case and as such am well acquainted with the facts and circumstances of this case.
2. That the contents of this petition have been read and understood by me.

3. That the statement made in paragraph nos. 5  
are true to my knowledge and those made  
in paragraph Nos. 667 - 9 2014  
true to my information derived from the records and the rest  
are by way of submissions to this Hon'ble Court.

4. That the annexures are true photo copies of their respective originals.



AL

अंयक काम कम चाँचा

8

पुषितः -

पुषित वाराणसी जालवा 3/8

ग्राम - जोर - अरुणपुर

भाग - - - चाँचा

जिला - - - मल्लपुर

पुषित किया जाता है कि सक्ती  
पावसा नों के अउ धार 60 (पाठ) वर्ष पूरे होने  
के पश्चात आप दिनांक 31.12.07 के पेश  
निपुण हो रहे हैं।

Arrival: 5;  
इसका वातावरण  
A.A.  
8/11/12

आदेश दिया जाता है कि आप  
अपना उक्त विषय सम्बन्धी कागजात एवं  
पंजीय कागजात लगादि स सम्म कामकाज  
में जमा कर दें ताकि आप का पेश निपुण  
कार्य का सुगमता सम्म किया जा सके  
इले कति कागजात सम्म

अ ने क स च र :- " 1 "

अंचल कार्यालय श्रीश्री चैसा

प्रेषित,

श्री देव नारायण पासवान 3/8

ग्राम -पी०-अजमूर

थाना-चौसा

जिला-मधेपुरा

सूचित किया जाता है कि सरकारी प्रावधानों के अनुसार 60  
आठ वर्ष पूरने होने के पश्चात आप दिनांक 31. 12. 07 के सेवा  
निवृत्त हो रहे है।

आदेश दिया जाता है कि आप अपना पुनः निम्न सम्बन्धी  
कागजात एवं पेंशन क्लेमजित आदि समथ कार्या लय में जमा कर दें  
ताकि आप का सेवा निवृत्त लाभों का भुगतान समथ किया जा सके।

इस अति आवश्यक सम हैं।

ह० :- अरविन्द

आवश्यक कार्रवाई थी।

ह०/-अस्पष्ट

8. 9. 12.

ह०/-अस्पष्ट

25. 11. 07.



OFFICE OF THE ACCOUNTANT GENERAL (A&E) BIHAR, PATNA.

महालेखाकार (लेखा एवं हकदारी) का कार्यालय, बिहार, पटना

PENSION INTIMATION MEMO (पेंशन सूचना पत्र)

No. Pen. -07/PEN290710071531/201011071865P0

संख्या पें.

Date / दिनांक : 20-Aug-2010

प्रेषक में

The Treasury Office.

कोषागार पदाधिकारी,  
MADHEPURA

at Sub Treasury Officer,

उप कोषागार पदाधिकारी.

प्रति भेजें:

आम्र को forward करव with the P.P.O. No. 201011071865

SRI DEO NARAYAN PASWAN ( Retd. CHOWKIDAR )

in favour of

Rs. 1,334/-

(Rupees

One Thousand Three Hundred Thirty Four Only

per month with effect from

01-Jan-2008

में श्री/श्रीमती

दिनांक

को

( रुपये )

मे प्रतिमाह की पेंशन अदायगी आदेश संख्या

प्रेषक रहा हूँ।

- Pensioner portion of the orders may be handed over to him/her after obtaining his/her signature on the disbursement portion after you have satisfied yourself of his identity and payment noted on both the portion as they are made. The slip containing left hand thumb & finger impression is also enclosed. पेंशन आदेश का पेंशनर भाग पेंशनभोगी की पहचान के बारे में अपनी संतुष्टि करके, उस भाग पर भाग का उसके हस्ताक्षर लेने के बाद उसे से दिया जाई तथा बाई हाथ के अंगुठियों का पेंशन आदेश के दोनों भागों पर अंकित कर लिया जावे। पेंशनभोगी के बाय हाथ को अंगुठों और अंगुठियों के निशान बारीकी से देखकर माध्य संलग्न है।
- If the pensioner wishes to draw his/her pension through authorised agent, the arrangement may be made accordingly under Rules. यदि पेंशनभोगी अपनी पेंशन किसी प्राधिकृत अभिकर्ता ( एजेंट ) के माध्यम से लेना चाहता है तो निर्दिष्ट नियमों के तहत तदनुसार व्यवस्था कर ले जाये।
- If the pensioner desires to draw his/her pension from a Public Sector Bank specified below. Both Halves of the PPO may please be forwarded to bank branch of the Public Sector Bank. यदि पेंशनभोगी अपनी पेंशन नीचे निर्दिष्ट सरकारी क्षेत्र के बैंक से लेना चाहता है तो पेंशन अदायगी आदेश के दोनों अर्ध भाग कृपया सरकारी क्षेत्र के बैंक की सम्बन्धित शाखा को अप्रेषित कर दिया जाई।

Yours faithfully / अर्पण,

For details see Both Halves.

विस्तृत विवरण हेतु दोनों अर्ध भाग देखें।

Asstt. Accountant General / Sr. Accounts Officer

सहायक महालेखाकार / वरिष्ठ लेखा अभिकारी  
Bihar, Patna / बिहार, पटना

No. : Pen. -07/PEN290710071531/201011071865P0

संख्या : पें.

Dated / दिनांक : 20-Aug-2010

Copy to :

प्रतिलिपि :

SRI DEO NARAYAN PASWAN ( Retd. CHOWKIDAR )

VILL. + P.O. ARAJPUR P.S. CHAUSA DISTT:- MADHEPURA

(a) He/ She should appear before the Treasury Officer to receive the payment either himself or through the authorised agent as specified above. पेंशनभोगी को पुरतान प्राप्त करने के लिए कोषागार पदाधिकारी के समक्ष ब्यक्तिगत रूप से या ऊपर निर्दिष्ट प्राधिकृत एजेंट के माध्यम से उपस्थित होना चाहिए।

(b) He/She should contact to the Public Sector Bank specified above to receive payment (अपनी पेंशन का पुरतान प्राप्त करने के लिए पेंशनभोगी को ऊपर निर्दिष्ट सरकारी क्षेत्र के बैंक से सम्पर्क करना चाहिए।

2. C.O. CHAUSA MADHEPURA

for information with reference to his letter No. 458

उनके पत्रांक दिनांक के प्रसंग में सूचनार्थ प्रेषित।

Date : 12-Jul-2010

Asstt. Accounts Officer/Section Officer  
सहायक लेखा अधिकारी / अनुभाग अधिकारी

PENSIONER'S COPY

सेवा में,

जिलाधिकारी महोदय, मधेपुरा

विषय:- पूर्ण सेवा निवृत्ति लाभ एवं पेंशन आदि के भुगतान के सम्बन्धमें।

महाशय,

सविनय निवेदन यह है कि मैं देव नारायणपासवान दिनांक 08  
25.11.07 को 60 वर्ष की अवधुरी होने पर चौकीदार के पद से  
सेवानिवृत्त हुआ है। और सेवा निवृत्ति के बाद में काफी पेशना होने  
के उपरांत मो० 63.194.90 की राशिही दिया गया है और समय  
समय पर अभावेदन देने के उपरांत पर मुक्त 80.1090/- रू० दिनांक  
16.01.13 को प्रदान किया गया जबकि मेरे द्वारा बार वार मौखिक एवं  
एवं लिखित आवेदन देने के बावजूद भी कुल गणना कर नहीं बताया जा  
रहा है कि किस मद में कितनी राशि शेष है। मेरे सेवानिवृत्त होने के  
उपरांत मुझे पेंशन भी नहीं दिया जा रहा है। जबकि सेवा निवृत्ति के  
उपरांत जीवन धामन का सहारा पेंशन ही है।

अतः श्रीमान् से नम्र निवेदन है और अभ्यावेदन  
पर उचित कार्य वाड़े करते हुए मुझे पूर्ण सेवा निवृत्ति लाभ का भुगतान  
किया जाय और कुल गणना का जोड़ भी दिखाया जाय और मेरा पेंशन  
का भुगतान सुचारु रूप से बकाया के साथ करने की कृपा की जाय। अब  
अब मेरी उम्र 65 वर्ष हो गई है और कई तरह की बिमारी से ग्रस्त

- 2-

ग्रहस्त रहता है। ईलाज हेतु भी पैसा नहीं मिलता है।

अतः श्रीमान् से अनुरोध है कि उचित कार्रवाई की जाय।

आपका विश्वासीत,

ह०/-१देव नारायणपासवान१