

IN THE HIGH COURT OF JUDICATURE AT PATNA
(CIVIL WRIT JURISDICTION)

GA-3
20.12.13

C.W.J.C.NO. / 2013

Suresh Paswan Petitioner

Versus

The State of Bihar and ors ... Respondents

Subject: Post Retiral Benefit, Govt service,
Non Gazetted, Chowkidar.

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SYNOPSIS**Prayer:-**

For a direction to the respondents to pay the legal admitted post retiral dues to the petitioner as also the pension.

Facts of this Case:-

1.1.1990: Petitioner is deemed to be appointed on post of Chawkidar a 4th Grade Post.

1.7.2011: After serving state, finally retired from the post of Chawkidar.

28.11.2013: After lapse of long time when no action has been taken by the respondents, the petitioner filed representation (Annexure-2)

- : Since nothing has been paid to the petitioner in regard to his post retiral benefit including the pension, hence this writ petition.

IN THE HIGH COURT OF JUDICATURE AT PATNA

(CIVIL WRIT JURISDICTION)

C.W.J.C.NO. / 2013

In the matter of an
application under Article
226 of the Constitution of
India,

And

In the matter of;

Suresh Paswan, Son of Late Sundar Paswan, Resident of Village-
Ghosai, P.S- Chausa, District- Madhepura.

..... **Petitioner**

Versus

1. The State of Bihar.
2. District Magistrate, Madhepura.

3. Superintendent of Police, Madhepura.
4. Circle Officer, Chausa Anchal, District- Madhepura.
5. Officer in Charge, Chausa police station, District- Madhepura.
6. Accountant General, Bihar, Bir Chand Patel Path, Patna.

.... 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 petition on behalf of the petitioner above named.

Most Respectfully Sheweth:-

1. That petitioner of this writ application seeks the following reliefs:-

- (i) For issuance of writ in the nature of mandamus commanding and directing the Respondents to

make available the retiral dues amount to the petitioner and also fix the pension as the petitioner has already retired on 01.07.2011 from the post of Chawkidar , a 4th grade employee.

(ii) For holding and declaration that petitioner is entitled to get the retiral due amount and also pension along with the statutory interest from the date of his retirement as well as consequential benefit accrued on account of service period of petitioner.

(iii) And/or pass such other order or orders as deem fit and proper in the interest of justice.

2. That the petitioner has not moved this Hon'ble Court herein before for the reliefs sought for in this writ application.
3. That the petitioner is citizen of India residing within the territorial jurisdiction of this Hon'ble Court.
4. That petitioner's appointment was deemed appointed w.e.f 1.1.1990 after declaration of Chaukidar as 4th Grade employees vide letter no 359 dated 17.1.1990 issued by

Home Police Department, Bihar, Patna and vide letter no 211-2 dated 18.1.1993 as appears mentioning in the Service Book of the petitioner.

5. That after completion of successful service, petitioner retired on the post on 1.7.2011 from the post of Chaukidar posted at Madhepura.
6. That after retirement petitioner was asked to submit necessary required documents and formalities for the purpose of release of retiral dues admissible to the petitioner.
7. That it is relevant to bring Identity Card on record issued by Election Commission of India.

A copy of Identify Card of the petitioner is annexed herewith and marked as Annexure-1 to this petition.

8. That it is submitted that petitioner has already submitted the required formalities and the papers to the concerned authority.

9. That petitioner has visited several times to the Circle Officer for his retiral dues and the pension but only assurance has been given for payment of the same.
10. That petitioner has also send his representation to the District Magistrate, Madhepura for payment of his retiral dues which is due since the date of his retirement i.e 1.7.2011. Such representation was send through regd cover dated 28.11.2013.

A photo copy of the representation is annexed herewith and marked as Annexure-2 to this petition.

11. That even then petitioner has not been made available the retiral dues amount nor fixation of pension has been made.
12. That petitioner deserves to get A.C.P, G.P.F, 6th pay revision benefit for the period June 2004 to 2006 and also due amount of salary for 9 months for the year 2009 which was not paid by the respondents.

13. That in that view of the facts sated above petitioner has no alternative and effective remedy than to knock the door of this Hon'ble Court for the reliefs sought for in this writ application.

It is, therefore, prayed that your Lordships may graciously be pleased to admit this writ application, issue Rule NISI, calling upon the respondents to show cause as to why not relief's sought for by the petitioner in the present writ application including paragraphs no.1 be granted to him and upon showing the causes by the respondents or on return of the rule, make the same absolute in aforesaid terms;

And / or

pass such other order or orders
as may be deemed just and
proper on the facts and
circumstances of this case,

And for this the petitioner shall ever pray.

AFFIDAVIT

I, Suresh Paswan, aged about-71 years, Son of Late Sundar Paswan, Resident of Village- Ghosai, P.S- Chausa, District- Madhepura, do hereby solemnly affirm and states as follows:-

1. That I am petitioner in this case and as such being well acquainted with the facts and circumstances of this case swearing this affidavit.
2. That the contents of this writ application have been read over and explained to me in Hindi which I fully understood the same and say that the statements made in paragraphs nos. 2 to 6, 8, 9, 11 to 13 — of this petition are true to my knowledge and those stated in paragraphs nos 7, 10, of this petition are true to my information derived from the records of this case and rest are by way of humble submissions before this Hon'ble Court.
3. That the annexures are the true photo/ type copies of its respective originals.



ELECTION COMMISSION OF INDIA

IDENTITY CARD

भारत निर्वाचन आयोग
पहचान पत्र

KZY1634021



Elector's Name	Suresh Paswan
निर्वाचक का नाम	सुरेश पासवान
Father's Name	Sundar Paswan
पिता का नाम	सुन्दर पासवान
Sex / लिंग	Male / पुरुष
Age	58 Years as on 1.1.2002
आयु	५८ वर्ष १.१.२००२ को

Address : 65, Ghoshal,
Town/Vill - Ghoshal, Gola Jethi,
Anchal - Chausa,
Distt - Mau, U.P. - 852213

पता : ६५, घोषल,
ग्राम/गाँव - घोषल टोला तेतरी,
अंचल - चौसा,
जिला - मधुपुर, ८५२२१३

Facsimile Signature of
Electoral Registration Officer
123 ALAMNAGAR Constituency
१२३ आलमनगर निर्वाचन क्षेत्र
के निर्वाचक रजिस्ट्रेशन अधिकारी
के हस्ताक्षर की अनुकृति

Place : Udakshungan Date : 29/01/2003
स्थान : उदकशुनगाँव दिनांक : २९/०१/२००३

Electoral Registration Officer's Identity Card
निर्वाचक रजिस्ट्रेशन अधिकारी की पहचान पत्र
आयु और आयु योजना के अंतर्गत
पहचान पत्र के इस में प्रमाण दिया जा सकता है।

KZY1634021

Annexure-2

(10)

To,

The District Magistrate,
Madhepura.

Sub:- Payment of retiral dues to Suresh Paswan (Rtd.
Chowkidar 4/5)

Sir,

This is to bring to your kind notice that I (Suresh Paswan) retired on 01.7.2011 while I was posted as a Chowkida in Madhepura.

That after retirement, I was asked necessary documents for the purpose of release of retiral dues admissible to me. I produced all the documents before the authorities but till date I have not been paid my retiral dues.

In the above circumstances, I therefore most humbly request to kindly ensure that payment is made to me and & for this act of kindness, I shall remain gratefull.

Yours Sincerely

भारतीय डाक



India Post

SP PATNA HIGH COURT (8000)
EPC379957417IN
Counter No:3, CP-Code:03
To: DIST MAGISTRATE,
MADHEPURA, PIN:862113
From: SURESH PASWAN, MADHEPURA
With: 0 rupees.
Amt: 39.00, 28/11/2013, 14:22
Tax: Rs. 4.00 Track on www.indiapost.gov

(Suresh Paswan)

Son of late Sundar Paswan

Village- Ghosai

P.S. Chousa,

District- Madhepura.