

(File No.1157/4/26/2023)
Judgement & Order

27.02-2024

Complainant Shri Abhay Kumar Sinha is retired Assistant Engineer who served Water Resources (Irrigation) Department of the State of Bihar. He joined services on 02-02-1979 and on attaining a ~~job~~ ^{age} superannuation, retired on 31-05-2011. The complaint before the Commission is very cryptic. He mentioned in the complaint that the government has granted provisional pension of Rs. 133/- (One hundred thirty three rupees) only to him and suitable action be taken for his pay fixation and for payment all outstanding dues.

2. The complaint was replied by the Joint Secretary of Water Conservation Department of the government mentioning that the complainant had proceeded to America from 01-11-1991 without permission from the competent Authority on the ~~pre-text~~ ^{pretext} of taking education. ^A After 19 years, he joined services on 16-03-2011. Hence, as per Service Rules, penalty of 90% deduction from pension was imposed on him. It is contended by the State that the complainant challenged this action by filing the writ petition baring C.W.J.C no. 1044/2014 before the Hon'ble Patna High Court, Patna which was

decided on 10.09.2014 with the following operative order:-

"Petitioner has no option but to assail there order contained in annexure-A dated 03-01-2014. However the respondents are directed to settle other entitlement of the petitioner within a reasonable time frame. Writ is disposed off."

3. The State Government has given the progress regarding payment of other retiral dues and salary to the complainant in its reply. It is seen from the reply that salary for few months of 1982 and that of December, 1990 as well as May, 1991 is ~~not~~ yet to be paid to the petitioner. Similarly it is reported that some recovery is to be effected from the complainant and he is not furnished ~~on~~ account of temporary advance taken by him.


4. It is seen from the reply of the Water Resources Department of ~~the~~ State that the Hon'ble Patna High Court, Patna has already directed the State Government to settle other entitlements to which the complainant is entitled. As there is enforceable judicial order passed by the Hon'ble Patna High Court, Patna ~~is~~ directing the State to settle other entitlements of the complainant within reasonable time frame, this Commission cannot pass any separate order in the matter of settlements of dues of the complainant. The complainant can get the order of the Hon'ble Patna High Court

(Signature)

complied by the resorting the appropriate remedies. Needless to mention that it is bounded duty of the Water Resources (Irrigation) Department of the State to comply the order passed by the Hon'ble Patna High Court, Patna in C.W. J.C No. 1044/2014 on 10-09-2014 by settling dues of the complaint expeditiously instead of , facing the proceeding like contempt of the Court.

5. This Commission hopes and trust that the Additional Chief Secretary, Water Resources (Irrigation) Department, Govt. of Bihar, Patna as well as the Principal Secretary, Finance Department, Govt. of Bihar, Patna shall comply the order of the Hon'ble High Court by settling other dues then of the complaint expeditiously .

6. With this above observation the complaint stands disposed of. Copy of this order be supplied to all parties.


(Ananta Manohar Badar)
Chairperson