

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1700 of 2009

=====

Navin Kant Jha, Son of Late Basuki Nath Jha, Resident of Village-
Manikpur, P.O. Manikpur, Police Station- Tarapur, District- Munger. At
present Residing of Mohalla- Ishakchak (Near Pani Tanki) P.S. & P.O.
Ishakchak, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Commissioner-cum-Secretary Human
Resources Development Department Government of Bihar, Patna.
2. The Secretary, Human Resources Development Department,
Government of Bihar, Patna.
3. The Joint Secretary, Human Resources Development Department,
Government of Bihar, Patna.
4. The District-Education Officer, Bhagalpur.
5. The Accountant General, Government of Bihar, Patna.
6. The Treasury Officer, Bhagalpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

26 28-09-2015

Heard learned counsel for the parties.

From the materials on record, it appears that
all admitted dues of the petitioner have been paid. However,
learned counsel for the petitioner has raised a dispute with
regard to the arrears for the period 01.01.1986 to 01.03.1989
which has not been paid to him. It is submitted that the actual
payment till 31.01.1987 were paid to the petitioner earlier by
the respondents and now the stand of the State that from
01.01.1986 till 01.03.1989, the benefit of the revised scale
would be notional is not tenable.

Learned counsel for the State and the

Accountant General, Bihar submit that as per the resolution of the State Government of the year 1990 itself, it was made clear that though the revision was made with effect from 01.01.1986 but the actual financial benefit was to be paid to the employees from 01.03.1989.

Upon going through the pleadings on record and hearing learned counsel for the parties, this Court finds that the stand of the petitioner that he had been paid the revised pension till 31.01.1987 does not appear to be fully correct as the amount which has been paid to the petitioner, as has been explained in the counter affidavit of the respondent no. 4, indicates that it was on account of difference in salary due to promotion from 01.01.1981 to 31.01.1987.

Thus, this Court does not find that the respondents have held back any amount which according to them is admitted and due. This being the position, the writ petition stands disposed off. However, if the petitioner is aggrieved by the condition that from 01.01.1986 till 01.03.1989, the actual financial benefit shall not be paid to the petitioner, he will be at liberty to move before the appropriate forum in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

U		T	
---	--	---	--