

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6975 of 2011

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Ramdeo Sah S/o Late Ashik Lal Sah R/O Vill.-Nakki Nagar Chhoti
Keshopur, P.O. and P.S. Jamalpur, Distt.-Munger.

.... Petitioner

Versus

1. The State of Bihar
2. The Director, Secondary Education Bihar, Budha Marg, Patna.
3. The Secretary, Bihar Secondary Education Board, Budha Marg, Patna.
4. The Regional Deputy Director, Munger.
5. The District Education Officer, Munger.
6. The Sub-Divisional Education Officer, Munger.
7. The Accountant General, Bihar, Patna.
8. The Accountant Officer, Office of Accountant General, Bihar, Patna.
9. The District Provident Fund Officer, Munger.
10. The Treasury Officer, Munger.

.... Respondents

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Appearance :

For the Petitioner : Mr. Abdul Mannan Khan, Advocate
Mr. Md. Najmul Hodda, Advocate

For the Respondent Nos.1-6, 9 & 10: Mr. Rajesh Ranjan, A.C. to GA-8

For the Respondent Nos. 7 & 8: Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

5 14-01-2015 We have heard Mr. Abdul Mannan Khan, learned counsel appearing for the petitioner, and Mr. Rajesh Ranjan, learned Assistant Counsel, appearing for the State respondents. We have also heard Mr. Sanjay Kumar, learned counsel, appearing for respondent Nos. 7 and 8.

2. The petitioner was appointed, on 19.12.1973, as a Laboratory Boy in Model High School, Munger, and he retired from the post of Clerk from the said School on 31.12.2009.

3. As the petitioner has not been paid his pension, he has filed this writ application, under Article 226

of the Constitution, seeking issuance of appropriate *writ*.

4. From perusal of the pleadings and materials on record and upon hearing learned counsel for the parties concerned, what transpires is that the Managing Committee of the said School appointed the petitioner, as indicated above, on 19.11.1973, as a Laboratory Boy, against a post, which was not sanctioned.

5. In course of time, one extra post of Clerk and two posts of Peon were sanctioned for the school by the then Bihar Secondary Education Board, vide letter No.519-22, dated 08.01.1977, with a direction that if any employee had been appointed in the school in anticipation of creation of post, his services shall be adjusted with effect from 01.04.1974 or from the date of his appointment, whichever is later.

6. Since the regular payment of salary of the petitioner was made with effect from 02.01.1978, the Accountant General, Bihar, requested for clarification regarding the actual date of approval of the services of the petitioner.

7. What, however, transpires from the materials on record is that the District Education Officer, Munger, vide his letter No. 9313, dated 24.09.1987, had approved the services of the petitioner with effect from 01.04.1974.



Finding that the services of the petitioner had been approved by the District Education Officer, Munger, the Bihar Secondary Education Department, too, approved the services of the petitioner with effect from the said date, i.e., 01.04.1974, by Memo No.1363, dated 27.06.2011, with an intimation also to the Accountant General, Bihar, for information and needful.

8. On superannuation of the petitioner on 31.12.2009, the District Education Officer, Munger, vide his letter No.1170, dated 27.05.2010, forwarded the pension papers of the petitioner to the Accountant General, Bihar.

9. The Accountant General, Bihar, vide letter, dated 24.06.2010, sought for, as already indicated above, some clarification regarding the date of approval of the services of the petitioner. The said clarification has already been sent by the Bihar Secondary Education Department and forwarded to the District Education Officer, Munger, who, in turn, has already sent the requisite information to the Accountant General, Bihar.

10. In view of what have been indicated above, respondent Nos. 7 and 8, namely, the Accountant General, Bihar, Patna and the Accountant Officer, Office of the Accountant General, Bihar, Patna, respectively, are hereby directed to do the needful in accordance with law and issue

requisite authority slip in favour of the petitioner, at the earliest, so that the petitioner may receive his pension and other retiral benefits.

11. In terms of the above directions, the writ petition stands disposed of.

(I. A. Ansari, J.)

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