

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16200 of 2011

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Binay Kumar Sinha, Retired From The Post Of Junior Accounts Clerk,
Transmission Circle, Dehri-On-Sone. S/O Late Nand Kishore Narayan Lal
Resident of South of Block Colony, New Taca Bhawan, P.S. & District
Aurangabad, Bihar.

.... Petitioner/s

Versus

1. The State Of Bihar through its Chief Secretary, Old Secretariat, Patna.
2. The Secretary, Energy Department, Old Secretariat, Patna.
3. The Secretary, Bihar State Electricity Board, Bidyut Bhawan, Patna.
4. The Deputy Director of Accounts (Seatti), Head Office, Bihar State Electricity Board, Patna.
5. The Financial Controller, Bihar State Electricity Board, Patna.
6. The Electrical Superintending Engineer, Transmission Circle, Dehri-on-Sone, Rohtas, Bihar.
7. The Accounts Officer, Transmission Circle, Dehri-on-Sone, Rohtas, Bihar.

.... Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3 13-08-2015

Heard learned counsel for the parties.

The dispute now remains with regard to the deduction/recovery of an amount of Rs. 14,865/- from the DCR Gratuity of the petitioner on account of alleged excess pay drawn by the petitioner during his service period. Further, the petitioner has also prayed for payment of his pension in the revised pay scale.

Upon hearing learned counsel for the parties and considering the fact and circumstances of the case, the application stands disposed off with a direction to the

respondents to pay the amount of Rs. 14,865/- which has been recovered form his DCR Gratuity in view of the decision of the Hon’ble Supreme Court in the case of **State of Punjab v. Rafiq Masih** reported in **(2015) 4 SCC 334**.

As far as payment in the revised pay scale is concerned, learned counsel for the respondents fairly submits that if the revision has been approved by the competent authority, the same shall be paid to him within two months. If it is found due and payable to the petitioner, it goes without saying that all consequential benefits on account of arrears shall also be paid during the same period.

(Ahsanuddin Amanullah, J.)

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