

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11538 of 2008

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Akshay Prasad, son of late Kanti Prasad, Resident of village – Fatehpur,
Police Station – Sahkund, District Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate –cum- Collector, Banka.
3. The Deputy Collector (Establishment) Banka.
4. Circle Officer, Amarpur Banka.
5. The Accountant General, Birchand Patel Path, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajiv Kumar Singh

For the Respondent/s : AC to SC - 22

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 20-08-2015 Heard Sri Rajiv Kumar Singh, learned counsel for the
petitioner and learned A.C. to Standing Counsel – 22.

The petitioner, who retired in the year 2005, has
approached this Court by filing the present writ petition in the year
2008, with a prayer to direct the respondents to grant monetary
benefit, in view decision taken in favour of the petitioner for grant
benefit of 2nd A.C.P.

In this case, a counter affidavit has been filed on
behalf of respondent no. 2 and 4 i.e. the District Magistrate-cum-
Collector, Banka and the Circle Officer, Amarpur, Banka. In the
counter affidavit, the claim of the petitioner has not been disputed,
rather in paragraph – 13 of the counter affidavit, it has been stated
that as soon as allotment is made, the petitioner shall be paid. The

counter affidavit was filed on 06-05-2015.

In view of the fact that the respondent have already admitted the claim of the petitioner i.e. in relation to **Rs. 7,769/-** as different of salary and **Rs. 1132/-** different of amount in the leave encashment, the Court is of the opinion that writ petition can be disposed of with direction to respondents particularly respondent no. 2/District Magistrate, Banka to take all steps so that amount admitted in the counter affidavit may be paid to the petitioner within a period of eight weeks from the date of receipt/production of a copy of this order.

It goes without saying that if same is not paid within aforesaid time, the petitioner shall be entitled to claim interest on the said amount @ 6% per annum and interest amount shall be recoverable from the pocket of the officer/employee responsible for non-payment of the amount to the petitioner within time.

The writ petition stands disposed of.

(Rakesh Kumar, J.)

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