

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8197 of 2007

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1. Kamla Devi, wife of Late Sheo Narayan Tripathi,
2. Arun Tripathi,
3. Anil Kumar Tripathi,
4. Pappu Tripathi,
Nos. 2 to 4 sons of Late Sheo Narayan Tripathi
All residents of Mohalla Sheoganj, P.S.- Ara Nawada, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, State Government, Bihar,
Patna.
2. The Deputy Development Commissioner, Ara, Bhojpur.
3. The District Board through the Chairman, District Board, Ara, Bhojpur.
4. The Director, Panchayati Raj, Ara, Bhojpur.
5. The Chief Executive Officer, District Board, Ara, Bhojpur.
6. The District Engineer, Ara, Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. RAJENDRA NATH SINHA
Mr. Arvind Kumar Sinha

For the Respondent/s : Mr. (GA9)
Mr. Vijay Shankar Upadhyay

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 12-05-2015

Heard the Counsels for the petitioner and the State. No counter affidavit has been filed on behalf of the State. A counter affidavit, however, has been filed on behalf of the respondent Zila Parishad. Thereafter, a supplementary affidavit has been filed on behalf of the petitioner.

Sheo Narayan Tripathi is the original petitioner who served the Zila Parishad/District Board, Ara, Bhojpur. He superannuated w.e.f. 31.7.2000. The writ application was filed for a direction upon the respondents to pay the retiral benefits upon

revision and grant of central pay scale w.e.f. 1.1.1996 to July, 2000. During pendency of the application, he died and on an application filed in this behalf, the widow and sons have been substituted.

A supplementary affidavit has been filed annexing therewith the affidavit affirmed by Ramakant Tripathi @ Pappu Kumar Tripathi, Anil Kumar Tripathi and Arun Kumar Tripathi, all three sons of deceased employee. In substance, the sons of the deceased employee have taken a stand that they shall have no objection if the differential amount under different heads upon grant of the central pay-scale effective from 1.1.1996 is/are paid to their mother namely Kamla Devi, wife of Late Sheo Narayan Tripathi.

In para 5 of the counter affidavit filed on behalf of the respondent Zila Parishad, it has been stated that the petitioner in view of the claim would be entitled to a total amount of Rs. 2,05,951/- under different heads including difference of salary, difference of gratuity and other retiral dues. Counsel for the petitioners has not disputed the said amount which the employee would be entitled to receive upon grant of the central pay scale effective from 1.1.1996. The respondent Zila Parishad has further pleaded that request has already been made to the Government for disbursement of grant enabling the Zila Parishad to discharge its liability.

Along with the supplementary affidavit, an order passed

by this Court in C.W.J.C. No. 9765/2010 (Kailash Ram vs. The State of Bihar and Ors.) has been enclosed. Counsel for the petitioner has submitted that the petitioners would be satisfied if the present application is also disposed of in the same terms.

Having noted the submissions of the parties, the writ application is disposed of permitting the petitioners to file a representation for payment of the legally admissible differential amount under diverse heads before the respondent Deputy Development Commissioner-cum-Chief Executive Officer, District Board, Ara, Bhojpur who shall consider the same and pass appropriate order in accordance with law authorizing the legal dues in favour of the petitioner(s) as quickly as possible preferably within three months of its filing. It will be open to the respondent to pay the dues of the petitioner either from the grant received from the Government and/or from the revenues internally generated by the Zila Parishad.

Pankaj/-

(Kishore Kumar Mandal, J)

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