

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2446 of 2014

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Vishnudeo Prasad Yadav Son Of Late Neti Prasad Yadav Resident Of
Village Maharash, P.S. Salkhua, District Saharsa

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary-Cum-Commissioner, Human Resources Development Department, Government Of Bihar, Patna
2. The Regional Deputy Education Director, Koshi Division, Saharsa
3. The District Magistrate, Madhepura
4. The District Programme Officer (Establishment), Madhepura
5. The District Superintendent Of Education, Madhepura
6. The District Provident Fund Officer, Madhepura
7. The Sub-Divisional Officer, Udakishunganj, Madhepura
8. The Block Development Officer, Udakishunganj, Madhepura
9. The Block Education Extension Officer, Udakishunganj, Madhepura
10. The Treasury Officer, Madhepura

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arjun Kumar, Adv
For the Respondent/s : Mr. GP-1 U.S.S.Singh

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

6 16-02-2015 Having heard learned counsel for the parties as

with regard to the following relief prayed in this writ

application:-

“For the issuance of a writ (s), direction (s) in the nature of mandamus directing to the respondents to fix the pension of the petitioner and release the arrears of pension whatever may be calculated as he retired from this job on 31.12.2004 and current pension as applicable to the petitioner.

For the issuance of a writ (s), direction (s) in the nature of mandamus directing the respondents to pay the General Provident Fund.

For the issuance of a writ (s), direction (s) in the nature of mandamus directing the respondents to pay other retrial dues if any payable to the petitioner.

For the issuance of a writ (s), direction (s) in the

nature of mandamus directing the respondents to make the payment of salary of December, 2004.”



while this Court is not inclined to pass any order for the payment of salary for the petitioner from 2004, inasmuch as, this is in fact not a retirement benefit, this has to be held that when the petitioner had retired from service on 31.12.2004, and his pension now has been regularized by way of full and final payment w.e.f September 2014, the authorities were also required to ensure that whenever earlier arrears of pension was payable to the petitioner before its being finally sanctioned and paid from September 2014 ought to have been also paid after such order was passed by the Office of Accountant General.

As a matter of fact, it was for this purpose that this writ application was adjourned on 13.01.2015 giving four weeks time to the learned counsel for the State to inform as with regard to payment of arrears of pension for the period from May 2008 to August, 2014



and payment of salary for the month of December, 2004 but no supplementary counter affidavit has been filed and a prayer has been made again to adjourn this case for a period of two weeks.

In the considered opinion of this Court, there would be no need to adjourn this case because there is no dispute as such that the petitioner was entitled to receive his amount of retirement benefit including monthly pension and in fact the petitioner has also been sanctioned and paid such pension from September, 2014.

In that view of the matter, this Court would direct the respondents to ensure that whatever arrears of pension becomes admissible and payable to the petitioner for the period from January-2005 to April, 2008 on account of his being paid provisional pension and from April-2008 to August-2014, on account of his being paid no pension must be paid to the petitioner within a period of four months from the date of receipt

of this order. In other words, whatever arrear of pension prior to September, 2014 is found admissible and payable to the petitioner must be made within the aforementioned period of four months.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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