

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3035 of 2015

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Yogendra Prasad Yadav Son of Late Mohan Yadav Resident of village -
Parwaha, P.O. Korihar, Police Station Gamhariya, District - Madhepura

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Madhepura
3. The Block Development officer, Gwalpara, Block + POlice Station -
Gwalpara, District - Madhepura
4. The Block Development officer, Chousa Block and Police Station -
Chousa and District Madhepura
5. The Block Development officer, Kumarkhand, Block and Police Station
Kumarkhand, District - Madhepura
6. The Block Development officer, Ghailadh, Block and Police Station
Ghailadh, District - Madhepura

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Kumar, Adv

For the Respondent/s : Mr. Santosh Kumar Jha- GP3

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 23-02-2015 Heard learned counsel for the parties.

Having regard to the prayer of the petitioner in
this writ application reading as follows:-

*“For issuance of an appropriate writ/writs, rule or
direction, commanding the concerned respondents to make
payment of entire arrear of salary since, 01.07.1997 to
30.09.1997 (03 months), 01.07.1998 to 30.06.1999 (12
months), 01.01.2000 to 31.12.2000 (12months), 01.01.2001 to
31.10.2001 (10 months) and others arrears of salary, house
allowance, medical allowance as well as other allowances.*

*For issuance of an appropriate writ or writs for
commanding the concerned respondents to make payment of
the amount of provident fund, gratuity, remaining amount of
unutilized leave, encashment and other admissible service
benefits as well as post retrial dues with interest in
accordance with law as per the provisions s laid down in the
act.*

It is further prayed for commanding the respondent authorities to make payment of the properly and legally fixed final pension as well as legally calculated increased salary taking in to consideration the length of his service.”

this Court would find that the petitioner is claiming salary even for those period which is not covered by the order of the District Magistrate, Madhepura passed on 15.09.2014, wherein, he had allowed the claim of payment of salary of the petitioner for the period of his suspension i.e., 08.09.1998 to 21.12.1999. In that view of the matter, the prayer for rest of the payment of salary in this writ application beyond the period from 08.09.1998 to 29.12.1999 is hereby rejected. As a matter of fact, it would transpire that after the aforementioned order of the District Magistrate, Madhepura dated 15.09.2014, the petitioner's last pay on the date of his retirement has to be calculated after giving him the benefit of salary for the period from 08.09.1998 to 21.12.1999. Primarily on this reason the retirement benefit of the petitioner seems to have been withheld.

In that view of the matter, this Court would direct

the District Magistrate, Madhepura to ensure that whatever retirement benefit is admissible and payable to the petitioner on the basis of his continuity in service between 08.09.1998 to 29.12.1999 must be calculated and sanctioned for its being sent to the office of Accountant General. In other words, whatever has to be done at the level of the appointing authority of the post of the Panchayat Secretary, must be done so that the petitioner gets the payment of his retirement benefit as well as the arrears of salary beyond subsistence allowance for the period from 08.09.1998 to 29.12.1999, within a period of three months from the date of receipt of this order.

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

(Mihir Kumar Jha, J)

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