

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5247 of 2015

=====

Sheo Pujan Das. Son of Late Deva Das, Resident of village -
Makhadumpur, P.S.- Arwal, District - Arwal.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary Human Resources Department Government of Bihar, Patna.
2. The Director, Primary Education Human Resources Department Government of Bihar, Patna.
3. The Collector, District - Arwal.
4. The District Education Officer (DEO), District - Arwal.
5. The Block Education Officer, Block - Arwal, District - Arwal.
6. The Accountant General, Bihar, Patna. Beerchand Patel Path Patna, Bihar.
7. The District Provident Officer, District - Arwal (Bihar).

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate.

For the Respondent/s : Mr. Binay Kirty Pandey, - Ga3

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 23-04-2015

Heard learned counsel for the parties.

2. Learned counsel for the petitioner, at the outset, submits that he is praying in this writ application only in respect of payment of retirement benefit and for the rest of the relief including the payment of salary, he would file fresh writ application.

3. From perusal of the writ application, it would, however, become very clear that petitioner has been paid his retirement benefit on the basis of the salary fixed and the last salary drawn by him. The petitioner now wants firstly to be given

the benefit of A.C.P. or certain amount of withheld salary or the benefit of super selection grade and thereafter payment of retirement benefit on the basis of those claimed amounts. Such prayer of the petitioner at least cannot be said to be the admitted amount of retirement benefit.

4. That being so, this writ application for the present is wholly misconceived. It is, however, made clear that nothing said in this order shall come in the way of the petitioner to file his fresh writ application firstly, for claiming the payment of in-service benefits alone including salary amount of super selection grade and the consequential amount of salary arising out of both, 1st ACP and 2nd ACP benefits. If and when such benefits are allowed in favour of the petitioner, he may also claim for difference of retirement benefit beyond whatever has already been paid to the petitioner.

5. With the aforesaid observation, this writ application is dismissed.

(Mihir Kumar Jha, J)

Sujit/-

U			
---	--	--	--