

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.607 of 2015

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Fuleshwar Singh, Son of Late Gonar Prasad Singh, Resident of Village-Karama, P.S.- Alam Nagar, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary-cum-Commissioner, Water Resources Development Department, Government of Bihar, Patna.
2. The Chief Engineer, Water Resources Development Department, Aurangabad.
3. The Executive Engineer, Sone Hing Level Canal Division, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. Sunil Kumar, AC to SC 2.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 19-02-2015 No one appears on behalf of the petitioner. Learned counsel for the respondents is present.

2. Having regard to the fact that the petitioner, in this writ application, has prayed for the only retirement benefit in para-1(i) which reads as follows:

"1.(i) For 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 his job on 31.01.2012 and current pension as applicable to the petitioner."

inasmuch rest of the relief prayed in para 1(ii)(iii) and (iv) reading as follows:

(ii) For issuance of a writ(s), direction(s) in the nature of mandamus directing the respondents to pay the differential salary from 01.04.2007 till the retirement to the petitioner as calculated.

(iii) For issuance of a writ(s), direction(s) in the nature of mandamus directing the respondents to make payment to the petitioner with regard to M.A.C.P. as finished 30 years of service.

(iv) For issuance of a writ(s), direction(s) in the nature of mandamus directing the respondents to make the payment of

salary for 34 days of strike for which the department ahs already allowed and made payment to the other employees of the department",

are in-service benefit, this Court is not required to say anything in respect of them, save and except, that the petitioner may move appropriate forum/court for redressal of his aforesaid grievance.

3. Reverting back to the only prayer of the petitioner relating to arrears of pension, this Court would find that the petitioner has been paid his pension as was admissible to him and infact his all representations enclosed with the writ application are only confined to payment of amount of difference of salary/emoluments on account of revision of pay as per recommendation of the 5th Pay Revision Commission accepted by the State Government.

4. As a matter of fact, the petitioner has clearly stated in all his aforesaid representations that the decision of the government to pay the amount of arrears, on account of pay revision in five instalments, in his case has been acted upon only partially by making payment of only one instalment and thereafter he has not been paid any amount of rest of the arrears on the head of the pay revision. It, thus, becomes clear that the petitioner has been paid his admissible pension and his actual grievance relates to in-service benefits including arrears of pay and emoluments as

also M.A.C.P and salary for 34 days of strike. These claims however, being not retirement benefits, this Court assigned only with retirement benefit cases is not required to say anything.

5. Thus, while disposing of this writ application, this Court can only observe that if the petitioner has not been paid any amount of payable pension, he can represent to the authorities for its release, but this order will not be of any use to the petitioner for claiming the other in-service benefits as claimed in this writ application inasmuch as the determination on those issues has not been made by this Court while passing this order in the present writ application.

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

(Mihir Kumar Jha, J)

Sujit/-

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