

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3387 of 2014

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Upendra Thakur, son of Late Saudagar Thakur, aged about 64 years,
resident of village- Baingra, P.S.- Saharghat, District- Madhubani

.... Petitioners

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Education, Bihar, Patna
3. The Director, Primary Education, Bihar, Patna
4. The District Education Officer, Madhubani
5. The District Programme Officer (Establishment) Madhubani
6. The Accountant General, Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur-2

For the Respondent/s : Mr. AC to GP14

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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2 27-01-2015 Heard learned counsel for the petitioner, learned AC to

GP-14 as well as Sri Uday Kumar, learned counsel, who has

appeared on behalf of Respondent no.6/ Accountant General,

Bihar.

The petitioner, who retired as Assistant Teacher with
effect from 31.08.2009 from Government Middle School
Trimuhan, Block-Madhwapur, District- Madhubani, has prayed
for directing the Respondents to pay remaining amount of gratuity
in view of pay revision. A specific statement has been made in the
writ petition that the petitioner was paid Rs.3,24,720/- but in view
of revision, he was entitled to get Rs.4,46,969/- and, as such, he is

entitled to get remaining amount of Rs.1,22,249/-. Regarding the claim, the petitioner has filed a representation before Respondent no.5/ District Programme Officer (Estt.), Madhubani.

The Court is of the opinion that instead of asking the State Counsel to file counter affidavit, the writ petition can be disposed of with liberty to the petitioner to file a fresh representation before Respondent no.5 regarding remaining claim of gratuity amount within a period of eight weeks from today. If such representation is filed, Respondent no.5 is required to examine the grievance of the petitioner and pass final order within two months thereafter. If Respondent no.5 considers the claim of the petitioner as genuine, he is required to issue sanction order within a period of two months. Thereafter, Respondent no.6 on receipt of sanction order is required to issue authorization without any delay. Even in case of refusal, Respondent no.5 is directed to pass a speaking order and communicate the same to the petitioner within two months from the date of filing of representation.

The writ petition stands disposed of with aforesaid observation and direction.

(Rakesh Kumar, J)

NKS/-

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