

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14711 of 2012

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1. Brajendra Nath Sinha S/O Late Jadunath Prasad Sinha R/O Mohalla-
Amghatta Road, Ward No. 2, P.O. & P.S.- Dumra, District- Sitamarhi

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Road Construction
Department, Bihar, Patna
2. The Accountant General, Birchandra Patel Path, Bihar, Patna
3. The Director, Provident Fund, Pant Bhawan, Bihar, Patna
4. The Engineer-In-Chief - Cum - Commissioner-Cum-Special Secretary
Road Construction Department, Bihar, Patna
5. The Chief Engineer North Bihar, Road Construction Department,
Muzaffarpur
6. The Deputy Secretary Road Construction Department, Bihar, Patna
7. The Superintending Engineer Road Construction Department, North
Bihar Circle, Muzaffarpur
8. The District Magistrate, Sitamarhi
9. The Executive Engineer, Road Construction Department, Sitamarhi
10. The Executive Engineer Road Construction Department, Sheohar
Division, Sheohar
11. The District Treasury Officer, Sitamarhi
12. The District Provident Fund Officer, Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jiwan Prakash Sinha
For the Respondent/s : Mr. Nilesh Kumar, AC to SC-2
For Accountant General : Mr. Dharmendra Choubey

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 11-08-2016

Heard learned counsel for the parties.

The grievance of the petitioner relates to non-
payment of certain post retiral and other dues as described
in paragraph 7 of the application, which are as under:-

“7. That in nut-shell, the
grievance/claims of the petitioner are as,
follows:-

- a) Fixation of final pension and

payment with arrear.

- b) Salary due from 01.09.2003 to 06.10.2003 and for 31.12.2003 of the period of waiting of posting after transfer from
- c) Earned Leave amount.
- d) Gratuity amount.
- e) Commutation of pension.
- f) Group Insurance amount
- g) G.P. F. amount.
- h) Benefits of Act
- i) Statutory interest and cost due to delayed payment to be made.”

There is no specific averment in the writ application with respect to petitioner's claim for Assured Career Progression.

Learned counsel for the petitioner has, however, submitted that the petitioner is entitled for the said benefit and consequential revised fixation of pension.

So far this aspect is concerned, the Executive Engineer, Road Construction Department, Sheohar Division, Sheohar is directed to consider the petitioner's claim for Assured Career Progression and thereafter decide whether he is entitled for revision of pension or not. If the petitioner is found to be entitled for grant of Assured Career Progression, the same must be finalized within a period of four months from the date of receipt/production of a copy

of this order. In that circumstance, necessary steps shall be taken for revision of pension within a period of fortnight thereafter.

The Executive Engineer, Road Construction Department, Sheohar, is further directed to consider the petitioner's claim for payment of salary for the period 01.09.2003 to 06.10.2003 and 31.12.2003, when he was waiting for posting. It is made clear that if the petitioner was kept waiting for posting for no latches on his part; he would be entitled for full salary and admissible allowance for the said period. It is, accordingly, directed that, if not paid, the amount must be paid to the petitioner within the aforesaid period of four months.

Learned counsel for the petitioner has submitted that the petitioner has been paid cash equivalent to Earned Leave, Gratuity amount, Commutation of pension, Group Insurance amount and General Provident Fund amount.

Considering the above, this application is disposed of with the above observation and direction.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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