IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12208 of 2012

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Allauddin Ansari, Son of Late Yunus Ansari, resident of Village Mirzapur, P.S. - Sitamarhi, District - Sitamarhi (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary-Cum-I.G. Registration, Bihar, Patna.
3. The Collector-Cum-District Magistrate, Sitamarhi, Bihar.
4. The District Sub Registrar, Sitamarhi.
5. The District Provident Officer, Sitamarhi.
6. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Sinha, Adv.

For the State : Mr. Gyan Shankar, AC to GP-2

For the A.G. : Mr. Jitendra Kumar Roy, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 11-08-2016

The father of the petitioner, namely, late Yunus Ansari, retired with effect from 31.12.1991, from Sub-Registration Office, Belsand, Sitamarhi. The petitioner is the son of said late Yunus Ansari and has filed the present writ application, under Article 226 of the Constitution of India, seeking a direction to the respondents for payment of post-retiral dues of his father against various heads, including General Provident Fund, Gratuity and Leave Encashment.

2. There is no dispute that the amounts of General Provident Fund, Gratuity and Leave Encashment have already been paid to the petitioner.

3. The only dispute, which is being raised on behalf of the petitioner, is that the calculation of retiral dues of his father ought to have been made on the basis of Rs. 1225/-, the last pay drawn by the father of the petitioner, in place of Rs. 1180/-. The said contention, made on behalf of the petitioner, is based on the plea that his father was entitled for increments, which was wrongly denied to him on the ground of non-passing of Hindi Noting and Drafting Examination.

4. There is nothing available on record to show that the petitioner's father had passed Hindi Noting and Drafting Examination and was, therefore, entitled for increments on the basis of which his pay could have been fixed at Rs. 1225/-, on the date of his retirement.

5. In view of the aforesaid discussions, I do not find any merit in the contention, made on behalf of the petitioner, regarding wrong fixation of pay, leading to wrong fixation of post retiral benefits.

6. In view of the fact that the grievance of the petitioner has substantially been redressed, this application stands disposed of with the observation as above.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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