

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20190 of 2013

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Bisuni, Son of Late Sohrai, resident of Mohalla- Naya Jan Tola, Bahri Sarak,. P.O. and P.S. Bhagwan Bazar, District- Chapra (Saran)

.... Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Urban Development, New Secretariat, Patna
2. The Nagar Parishad, Chapra through It's Executive Officer
3. The Chairman, Nagar Parishad, Chapra
4. The Executive Officer, Nagar Parishad, Chapra

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dr. Alok Kumar Sinha

For the Respondent/s : Mr. Rakesh Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

10 06-05-2016 Let Kaushalya Devi be substituted in place of her late husband, Bisuni who died on 5.3.2015, who is the sole petitioner in this case.

I. A. No.3621 of 2015 is allowed.

The petitioner's husband retired as Sweeper from Nagar Parishad, Chapra, who had filed this writ application raising the grievance that he has not been paid his retiral dues. Upon filing of this writ application, it appears that the respondents started paying his pension.

The grievance of the petitioner is that the respondents have calculated the payment of retiral dues taking the basic salary as Rs.1025/- per month, which was the basic salary as

per the 4th Pay Revision Report. He submits that the retiral dues ought to have been calculated taking the basic salary Rs.4400 + D.A. as per the 5th Pay Revision Committee.

Paragraph 4 of the rejoinder of the petitioner to the counter affidavit filed on behalf of the respondent nos.2 to 4 explains the whole matter which is being quoted herein below:-

“4. Under para-6 of the said counter affidavit, it is stated that the petitioner was paid gratuity, P.F., Earn Leave and difference of arrear as per 5th Pay Revision, i.e. 1.1.1996 whereas they have calculated and paid the amount in accordance with 4th Pay Revision, i.e. Rs.1025/- (Basic pay) whereas as per 5th Pay Revision the Basic Pay of the petitioner was Rs.440 plus D.A. and other benefit. They have also wrongly calculated the P.F. contribution and no interest has been paid on P.F. Amount.”

The petitioner submits that unfortunately though the respondents have paid retiral dues to the petitioner as per the 5th Pay Revision Committee's report but in fact, they have paid

the same as per the 4th Pay Revision Committee’s report.

In view of the said submissions, the respondent Executive Officer is directed to reconsider the matter and pass a fresh order with respect to the claim of the petitioner as per para 4 of the rejoinder filed by the petitioner, quoted hereinabove. In case no such order is passed within two months from the date of receipt/production of a copy of this order, the petitioner will be at liberty to move this Court in contempt thereof.

(Samarendra Pratap Singh, J)

AnilKrSinha/-

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