

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4885 of 2013

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1. Birendra Prasad S/O Late Sri Balkeshwar Prasad R/O Village, P.O.- Belown,
P.S.- Kaler, District- Arwal

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary H.R.D., Govt. Of Bihar,
Patna
2. The District Education Officer, District- Jehanabad
3. The District Programme Officer, District- Jehanabad
4. The Accountant General, Bihar, Patna
5. The Senior Accounts Officer, Office Of Accountant General, Bihar, Patna
6. The District Treasury Officer, Jehanabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the State: Mr. Prabhat Ranjan, AC to GP12
For Accountant General Mr. Kumar Priya Ranjan,
Miss. Gunta, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-01-2016

No one appears on behalf of the petitioner. However,
learned counsel for the State and Accountant General are present.

In the present writ petition, the petitioner is seeking relief
for quashing letter no.132 dated 23.5.2011 issued by the Senior
Accountant Officer, Bihar, Patna by which it has been
communicated to the District Superintendent of Education,
Jehanabad that while examining the pension claim of the
petitioner it transpired, on 25.5.1985 he was given promotion on
the post of the Headmaster and the senior selection grade is

payable after twelve years of service as Headmaster but he has been given the senior selection grade scale of Rs.2200-4000/- with effect from 1.3.1992 which is completely illegal and direction has been given for fresh fixation of salary so that his claim of pension could be disposed of.

From the record it appears that petitioner passed B.Ed. two years degree examination in the year 1976 and was appointed as matric trained assistant teacher in the pay-scale of Rs.230-340 and accordingly he joined in Primary School, Mirabigha, Tekari, Gaya. The matric trained scale was revised and accordingly in the year 1980 pay was fixed in the pay-scale of Rs. 240-396. He was given benefit. Later on vide memo no.573 dated 3.2.1982 D.S.E., Gaya granted B.A. trained scale of Rs.387-600 with effect from 1.3.1980 to the petitioner and other similarly situated teachers. D.S.E., Gaya vide memo no.10770 dated 30.12.1981 vide letter no. 602 dated 4.2.1982 revised the B.A. trained scale in the pay-scale of Rs.850-1360 which was made applicable with effect from 1.4.1981. The petitioner was given the same benefit.

The petitioner vide Memo No.2514 dated 5.11.1984 was promoted as Headmaster in the Middle School, Bijua (Dumariya), Jehanabad. It has been stated that petitioner has completed twelve year of service in B.A. trained scale with effect



from 1.3.1980, senior pay-scale of Rs.2200-4000 was given to the petitioner with effect from 1.3.1992. It has further been stated that revised pay scale of Rs/7500-12000 of B.A. Trained was given to the petitioner. 6th Pay Revision was made effective with effect from 1.1.2006 and petitioner was granted scale of Rs.9300-34800 which was made effective from 1.4.2007.

The petitioner superannuated from service, submitted all the relevant documents for payment of pensionary benefit to the petitioner. The impugned order dated 23.5.2011 has been issued by the Senior Accounts Officer, Bihar, Patna by which pension paper of the petitioner has been returned to the D.S.E., Jehanabad on the ground that senior scale of pay given to the petitioner with effect from 1.3.1992 in the scale of Rs.2200-4000 is illegal and D.S.E. was further directed to correct the pay fixation of the petitioner.

A counter affidavit has been filed on behalf of respondent nos. 4 and 5 where in paragraph 4 it has been stated that petitioner was promoted to the post of Headmaster with effect from 25.5.1985 and was given promotion in senior scale of Rs.2200-4000 with effect from 1.3.1992. In terms of the provision of the Finance Department Resolution No.6022 dated 18.12.1989 the petitioner will be entitled to the senior scale after

completion of 12 years of service. As the petitioner joined the post of Headmaster on 25.5.1985, he is entitled to grant of promotion in the senior scale with effect from 25.5.1997.

Learned counsel for the Accountant General submits that on the basis of admissible pay the Office of the Accountant General has authorized in 2011 itself for release of pension and other retiral dues.

In this view of the matter, there is no need to proceed further with the matter.

Accordingly, this writ petition is dismissed.

(Shivaji Pandey, J)

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