

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15816 of 2012

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1. Umesh Prasad Singh Son of Ram Chandrika Prasad Singh Resident of Village -
Wazidpur, Post - Tekari, District Gaya

.... Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary Water Resources Department,
Bihar, Patna
2. The Principal Secretary, Water Resources Department, Government of Bihar,
Patna
3. The Chief Engineer (South), Tube-Well Wing, Patna
4. The Superintending Engineer, Tube-Well Circle, Patna
5. The Executive Engineer, Central Workshop, Development and Training Institute,
Shekhpura, Patna
6. The Accountant General (A and E), Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Poddar Suresh Gandhi, Adv.

For the Respondent/s : Mr. Manoj kr. Ambasta SC-26
Mr. Subodh Kumar, A.C. to SC-26

For the Accountant General : Mr. Uday Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 28-11-2016

The prayers of the petitioner in the present writ
application as mentioned in para-1 are as under :-

“1. That the petitioner in the present writ application seeks
the following Reliefs :-

- (i) Issuance of a writ in the nature of mandamus directing and commanding the Respondents to pay the entire retiral benefits including pension and Gratuity etc. to the petitioner who has retired on 31.5.2010 from the post of store-keeper in Central Workshop, Development and Training Institute, Shekhpura, Patna.
- (ii) Issuance of further writ in the nature of Mandamus directing and commanding the Respondents to pay the Pension and Gratuity to the petitioner on the revised pay on PB2 corresponding to pay bands of

Rs.9300 - 34800 with Grade Pay Rs.4200/- i.e. on the pay of Rs. 22980=00.

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- (iii) Issuance of an appropriate declaration that Respondents are obliged and duty bound to pay the retiral benefits including pension and Gratuity on the basis of last pay payable to the petitioner after revision w.e.f. 1.1.2006 i.e. at Rs.22980=00 and payment of provisional pension at lower pay was/is illegal and arbitrary.
 - (iv) Issuance of an appropriate holding that once the Respondents were obliged to pay the retiral dues on the date of retirement which admittedly has not been paid, the respondents are now required to pay the retirement benefits forthwith along with interest @ 12% as well as penal interest as admissible under law.”

2. The petitioner claims that he was initially appointed on the post of Store-keeper on 04.06.1973 in the pay scale of Rs. 180-242, which was subsequently modified to Rs.220-315 vide letter no. 1173 dated 05.07.1974. After coming into force of the 4th Pay Revision, his pay scale was revised to Rs.580-860 vide letter no. 670 dated 27.02.1982 with effect from 01.04.1981. He was granted first time bound promotion with effect from 01.04.1983, but it is stated that his pay scale was fixed at Rs.680-730 instead of Rs.730-1030. It is contended that the petitioner was assured that the discrepancy in his pay scale would be corrected, but the same was not done. It is contended that his pay scale was revised from time to time pursuant to grant of A.C.P. He was allowed pay scale of Rs.4500-7000 with effect from 01.01.1996 and therefore he became eligible for 1st A.C.P.



in the pay scale of Rs.5000-8000 and 2nd A.C.P. in the pay scale of Rs.5500-9000 with effect from 09.08.1999 and once pay scale of Rs. 5500-9000 became payable to the petitioner with effect from 09.08.1999, he became entitled to pay scale of Rs.9300-34800 with Grade Pay in PB2 with effect from 01.01.2006 and his pay was to be fixed at Rs. 22980.00 on 01.01.2010.

3. It is contended that the petitioner retired from service on 31st May, 2010 on attaining the age of superannuation. After retirement, he was sanctioned provisional pension at lower pay scale and even payment of such provisional pension has been stopped since June, 2012. The petitioner has also filed representations for grant of retiral benefits and thus his entire family is on the verge of starvation.

4. Counter affidavit and supplementary counter affidavits have been filed by the State controverting the stand of the petitioner regarding fixation of pay scales. The State has disputed the claims of the petitioner in respect of alleged fixation of pay scale and grant of pension in a higher scale.

5. Regard being had to the contentions advanced on behalf of the State, learned counsel for the petitioner has prayed that a direction be issued to the Principal Secretary, Water Resources Department to dispose of the representation of the petitioner by a reasoned order.

6. Considering the stand taken by the parties, I direct the petitioner to file a detailed representation before the Principal Secretary, Water Resources Department, Government of Bihar, Patna (Respondent No.2) within a period of three weeks from today raising all his grievances. In case, such a representation is filed, the Principal Secretary, Water Resources Department, Government of Bihar, Patna is directed to consider the same in accordance with law and pass a reasoned order within a period of two months thereafter.

7. With the aforesaid observation and direction, the application is disposed of.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	01-12-2016
Transmission Date	