

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.116 of 2012

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1. Rishikesh Mishra Son Of Late Jhingur Mishra Resident Of Village - Mala, P.O.-
Gurukul Mehia, P.S. - Chhapra Mofassil, District - Saran At Chapra

.... Petitioner/s

Versus

1. The State Of Bihar through the Director (Primary Education), Human Resources
Development Department, Bihar, Patna
2. The District Education Officer, Saran at Chapra
3. The District Programme Officer (Establishment), Saran at Chapra
4. The District Provident Fund Officer, Saran at Chapra
5. The Treasury Officer, Chapra
6. The Block Education Extension Officer, Maker, Saran
7. The Accountant General, Bihar, Patna
8. The Drawing And Disbursing Officer - Cum - Headmaster, Middle School,
Piprahi, Sonaho, Saran

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Amit Kumar Anand, Adv.
For the State : Mr. Jainendra Kumar Sinha, A.C. to SC-17
For the Accountant General : Mr. Prabhat Ranjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 16-01-2017

The present writ application has been filed by the petitioner for commanding the respondents to finalize and pay him immediately all his retirement benefits along with arrears of difference of salary according to the new pay scale.

2. A counter affidavit has been filed on behalf of respondent no.3 wherein details of payments made to the petitioner have been narrated. The relevant part of the counter affidavit is reproduced hereunder :-

“... The drawing & disbursing officer has reported vide memo no.13 dated 19.6.12 that following



payment has been made to the petitioner :

(i) A amount of Rs. 1,48,003/- (One lakh forty thousand three) has been deposited in A/c No. 11899091889 against the salary of April 2008 to June 2009 of difference of salary due to fixation of pay scale from April 2007 to December 2008.

(ii) The difference of salary from 01.01.2009 to retirement date amount 1,41,406/- (One lakhs forty one thousand four hundred six only) has been also deposited in account of the petitioner.

(iii) The papers for the fixation of pension, gratuity and commutation of pension & sanction unutilized leave has been received in the office of the deponent. This will be done within one week.

(iv) Amount of Rs. 85736.00 (Eighty five thousand seven hundred thirty six) has been paid to the petitioner against the Group Insurance.

(v) A bill of Rs. 3,61,645/- (Three lakhs sixty one thousand six hundred forty five) has been sent to treasury Saran against the G.P.F. deduction.”

3. It is submitted by the learned counsel for the State that the entire admitted dues of the petitioner has been paid to him during pendency of the writ application.

4. In reply, learned counsel for the petitioner submitted that it is true that the amount mentioned in the counter affidavit have been credited in the account of the petitioner but the petitioner has not been paid increment for the period 2008-2009.

5. Regard being had to the fact that the grievances of the petitioner have been redressed, the writ application is disposed of with liberty to the petitioner to file representation in respect of his claim for increment before the Respondent No.3 within two weeks



from today. In case such a representation is filed, the same shall be disposed of by a reasoned and speaking order within four weeks from the date of its filing.

6. With the aforesaid observations and directions, the writ application is disposed of.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18-01-2017
Transmission Date	

