

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7127 of 2016

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Jagpati Kumari Wife of Shri Mahendra Kumar resident of village - Shiv Tola Dandapur, P.O. Panditpur, Police Station - Janta Bazar, District - Saran (Chapra), retired While Working as Headmistress from Govt. of Upgraded Middle School Bhatwaliya, Block Lahladpur, District - Saran (Chapra)

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The District Magistrate, Saran at Chapra
4. The District Education officer, Saran at Chapra
5. The District Programme officer (Establishment), Saran at Chapra
6. The District Provident Fund Officer, Saran at Chapra
7. The District Treasury officer, Saran at Chapra
8. The Block Education officer, Lahladpur, District Saran
9. The Headmaster Cum Drawing and Disbursing officer, Govt. Upgraded Middle School Bhatwaliya, Block Lahladpur, District Saran (Chapra)
10. The Accountant General, Bihar, Beerchand Patel Marg, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Adv.
For the State : Mr. Subhash Pd.Singh, G.A. 3
For the A.G. : Mr. Raghwanand, Adv.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 10-08-2017 Heard the parties.

Admittedly, almost all the retiral dues, except fixation of pension and one month salary i.e. month of November 2015, have already been paid to the petitioner and so far as fixation of pension is concerned, the State has specifically pleaded in its counter affidavit that the matter has already been sent to Accountant General, Bihar, Patna for sanction and issuance of



pension payment order but the counter affidavit of State is silent on the point of non payment of one month salary amount to the petitioner.

In view of the aforesaid facts and circumstances as well as submissions of the parties, this writ petition stands disposed of giving direction to respondent no. 10 to ensure the order of sanction and issuance of pension payment order in accordance with law within a month from the date of receipt/production of copy of this order, if the same has not already been done. Furthermore, the respondent no. 4 should look into the grievance of non payment of one month salary i.e. in the month of November, 2015 and if the grievance of the petitioner is found genuine, the respondent no. 5 shall ensure the payment of one month salary of the petitioner within above stated period of one month, if the same has not already been paid to the petitioner.

So far as realization of Rs. 5,05,400/- from retiral benefits of the petitioner is concerned, the petitioner may challenge before the appropriate forum, if the aforesaid deduction is made from her retiral benefits.

(Hemant Kumar Srivastava, J)

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