

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21028 of 2014

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Surendra Prasad son of Late Rameshwar Prasad, resident of village- Saraiya, P.O. and P.S.-Makhdumpur, District-Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Director-in-Chief, Health Services, Bihar, Patna.
3. Civil Surgeon-cum-Chief Medical Officer, Patna.
4. Incharge Medical Officer, Primary Health Centre, Dhanarua, Patna.
5. District Provident Fund Officer, Patna.
6. District Treasury Officer, Patna.
7. Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiv Kumar, Advocate
For the Respondent/s : Mr. Harish Kumar, G.P.8
For the Accountant General : Mr. Prabhat Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 27-02-2017

It is submitted by the learned counsel for the petitioner that during the pendency of the application retiral dues of the petitioner have been sanctioned and authorized for payment pursuant to which payments have already been made. However, it is submitted that recently an order has been issued vide memo no.1452 dated 15th February, 2017 under the signature of Civil Surgeon-cum-Chief Medical Officer, Patna by which the petitioner has been given benefit of 1st and 2nd assured career progression (for short 'A.C.P.') with effect from 09.08.1999 and 01.02.2004 respectively and another order



has been issued vide memo of 1453 dated 15th February, 2017 under the signature of Civil Surgeon-cum-Chief Medical Officer, Patna by which the petitioner has been given 3rd A.C.P. with effect from 01.02.2010.

2. It is submitted that since the petitioner has been given 1st, 2nd and 3rd A.C.P. so his entire post retiral benefits i.e., pension, gratuity and leave encashment would be revised and the petitioner would be entitled to receive difference of the amount due to re-fixation of his pensionary benefits. It is also submitted that statutory interest on G.P.F. amount and G.I.C. amount of the petitioner has also not been calculated properly.

3. In reply, learned counsel for the State submitted that since the aforementioned orders whereby the petitioner has been given benefit of A.C.P. have been passed recently, the petitioner may be directed to represent before the authority concerned for re-fixation of pension and in case such a representation is filed, the authority concerned would certainly look into the matter and take proper decision. He submitted that question of any mistake in calculation of statutory interest may also be examined by the authority if the petitioner files a representation in this regard.

4. Learned counsel for the Accountant General, Bihar, Patna submitted that as per the sanction order issued by the



department, the Accountant General, Bihar, Patna has already authorized payment of pension and other retiral benefits of the petitioner and the amount has also been credited to the account of the petitioner.

5. Having heard the parties, the writ application is disposed of with a direction to the petitioner to file a comprehensive representation before the Civil Surgeon-cum-Chief Medical Officer, Patna within two weeks from today raising all his claims. In case of filing of such a representation, the Civil Surgeon-cum-Chief Medical Officer, Patna shall be obliged to consider each and every claim of the petitioner and pass a reasoned order within two months and if any of the claims of the petitioner is found admissible, the payment shall also be made within the aforementioned period. So far as claim of the petitioner in respect of non-payment of statutory interest on G.P.F. amount is concerned, the drawing and disbursing officer is directed to look into the grievance of the petitioner and take necessary steps in accordance with law within the aforementioned period.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28.2.2017
Transmission Date	

