

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18239 of 2012

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Shishir Kumar Verma, S/O Late Janak Lal Das, resident of Mohalla-Vidyapati
Nagar, Ward No.2, At P.O., P.S. and District- Supaul

.... Petitioners

Versus

1. The State of Bihar through Chief Secretary, Govt. Of Bihar, Patna
2. District Education Officer, Supaul
3. Sub-Divisional Education Officer, Supaul

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Mukund, Adv.
Mr. Anirudh Pandey, Adv.

For the Respondent/s : Mr. Sudhanshu Bhushan, A.C. to G.P.-8

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-11-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

2. In this case, the petitioner is claiming difference of salary from 09.08.1999 to 30.06.2003 on account of the fact that though the petitioner was granted promotion to the post of Head Clerk with effect from 09.08.1999 vide memo no. 1243 dated 23.07.2006, but the difference of salary has not been made.

3. Learned counsel for the petitioner submits that the arrears of pension have been made to the petitioner, but the salary has not been made.



4. Today, a counter affidavit has been filed by the State. In paragraph no.8 it has been averred as follows:-

“8. That so far payment of difference of salary from 09.08.1999 to 30.06.2003 to the petitioner is concerned, it is submitted that a Treasury bill has been prepared for arrears of payment of salary by respondent no.3 but the same is outstanding for want of budgetary allotment.”

5. Paragraph no.8 of the counter affidavit itself reflects that they have prepared the bill of difference of salary, but the payment could not be made for want of budgetary allotment. It is very peculiar stand that even after lapse of 14 years, this plea has been taken by the State. When the person has already superannuated much earlier and he has in advance stage requires money for different social works and also for his own treatment, but the State is still taking plea for want of budgetary allotment, which is nothing but travesty of justice and completely reflects insensitiveness on the part of the Government and its authorities.

6. Let the respondent authorities pay the arrears of salary from 09.08.199 to 30.06.2003 along with interest at the rate of 6% per annum to the petitioner within a period of three weeks from the date of receipt/production of a copy of this order.



7. With the aforesaid observations and directions, this writ application is allowed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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