

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15488 of 2006

=====

Parmanand Prasad, son of Ugra Mohan Sah, Resident of village – Champanagar,
P.S. Nathnagar, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna
2. The Commissioner-cum-Secretary, Finance Department Government of Bihar,
Patna
3. The District Magistrate, Bhagalpur,
4. The District Judge, Bhagalpur
5. Registrar, Civil Court, Bhagalpur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. INDESHWARI PD.MANDAL

For the Respondent/s : Mr. AC to G.P. 8

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date: 17-02-2017

Heard learned counsel for the parties.

The present writ application has been filed for issuance of a direction to make payment of Transportation Allowance and its arrears due since January, 2000, though prior to that the petitioner was being paid the said allowance.

The Finance Department, Government of Bihar, vide Memo no. 3984 dated 25.7.1991, had taken a decision to provide transportation allowance to the blind and disabled Government employees to the extent of 10% of the basic pay, maximum being Rs.150/- per month. Such decision was subsequently revised vide letter no. 7663 dated 30.10.2000, which stipulated that the physically



disabled and blind employees, residing beyond the radius of one kilometer from the office, would receive double transport allowance in comparison to the other general employees. The petitioner was being paid the transport allowance in pursuance to the policy decision of the Government but after January, 2000 the same was stopped without any information or notice to him. Hence the present writ application.

In the counter affidavit filed on behalf of respondent nos. 4 and 5, it has been stipulated that under the Government scheme issued vide Finance Department letter no. 7663 dated 30.10.2000 the petitioner was granted transport allowance, but the said allowance was stopped from March, 2001 in pursuance to the letter no. 688 dated 2.2.2001 on the recommendation of Fitment Committee and the said letter has been communicated through the Registrar (Administration), Patna High Court on 27.1.2005. Hence, the petitioner is not entitled to any transportation allowance.

Considering the rival submissions of the parties, this much is apparent that the petitioner was being paid transportation allowance but has not been paid since January, 2000 and transportation allowance has been stopped in pursuance to the Finance Department letter no. 688 dated 2.2.2001 from March, 2001. The respondents have not denied this fact that the petitioner was not paid



the said allowance since January, 2000, but the writ application does not suggest that the petitioner has filed any representation before the Civil Court in this regard and now he has retired on 31.1.2011.

Under the circumstances, this court finds no merit in the present writ application. However, if the petitioner files any representation for the payment of arrears of transportation allowance from January, 2000 to February, 2001 within four weeks from the date of receipt/production of a copy of this order before the learned District Judge, Bhagalpur, the same will be disposed of in accordance with law within six weeks thereafter.

This writ application stands disposed of accordingly.

(Dinesh Kumar Singh, J)

Anil/-

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

