

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12983 of 2010

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1. Siddheswar Prasad S/O Late Devi Mahto R/O Vill.-Lodipur,P.S.-Mehus,Dist.-Sheikhpura

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary-Cum-Commissioner,Department Of Rural Development,Govt.Of Bihar.
2. The Secretary -Cum-Commissioner ,Department Of Finance,Govt.Of Bihar,Patna.
3. The District Magistrate,Nalanda,Bihar.
4. The Chief Engineer ,Rural Development Special Division-2 Govt.Of Bihar ,Patna.
5. The Superintendent Engineer,Rural Development Special Division1-2 ,Govt.Of Bihar,Patna.
6. The Executive Engineer,Rural Development Special Division-2 Govt.Of Bihar,Hilsa,Nalanda.
7. The Accountant General ,Bihar,Patna.
8. The Accountant Clerk,Rural Development Special Division-2,Govt.Of Bihar,Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. KUMAR MALENDU
For the State : Mr. Jitendra Kumar, AC to AAG 11
For Accountant General : Mr. L.P.K. Rajgrihar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 18-04-2018

Heard the learned Counsel for the petitioner and the learned counsel for the State as well as Accountant General.

In the present case, the petitioner has sought a relief of granting scale of Rs.2610-3450 with effect from 1.1.1996 monetary benefit with effect from April, 1997. ACP in the revised scale and give direction to make payment of difference of amount.



Today a supplementary counter affidavit has been filed wherein it has been stated that the petitioner has been given the benefit of both ACPs with effect from 9.8.1999 which was given in the pre revised scale but he has been paid the ACP revised pay scale vide Memo No.278 dated 4.1.2017 and submits that difference of arrear amount would be paid to the petitioner. As per calculation, the amount comes to Rs. 6088 he will be paid to the petitioner. In paragraph 6 it has been stated that petitioner on calculation of earned leave, the petitioner is entitled to difference earned leave of Rs.4464/- the same has been communicated that the amount would be credited in the account of the petitioner.

The limited grievance which has been left for redressal is that the petitioner is claiming that he is entitled to not only pay scale but its effect on the retrial dues after granting benefit of first ACP and second ACP which has not been calculated and not given to him. If the petitioner has been granted two ACPs in revised scale it goes without saying the retrial benefit from first and second ACP is to be given on account of enhancement of scale naturally he is entitled to revised pension and all other retrial dues. This Court directs the respondent authority to recalculate the amount of gratuity as well as pension of the petitioner and find out the difference which the petitioner is



entitled too and also make payment of the said amount within a period of three months from the date of receipt/production of a copy of this order. If the respondent would fail to make payment it will carry 9% compound interest.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
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