

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13085 of 2010

Most. Kanta Mandal W/O Late Ambika Mandal Ex-Circle Inspector R/O
Moh.-Sachida Nand Nagar South Of Airodrum P.O. + P.S.- Tilka
Manjhi, Dist.-Bhagalpur.

... .. Petitioner/S

Versus

1. The State Of Bihar Through Its Secretary Of Rural Development ,Govt. of Bihar,Patna.
2. The State Of Jharkhand
3. The Chief General Manager Raj Mahal Area Group Of Mines, Land Acquisition Department Dist.-Godda(Jharkhand)
4. The Area Finance Manager/ Rajmahal Area Dist.- Godda (Jharkhand)
5. The District Account Officer Godda (Jharkhand)
6. The Accountant General Bihar,Patna.
7. The District Magistrate Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pravina Kumari(Rai), Adv.
For the State of Bihar	:	Mr. Deepak Sahay Jamuar, AC to AAG-4
For the Jharkhand State	:	Mr. Nishi Nath Ojha, Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 02-05-2018

Heard learned counsel for the petitioner, counsel for the
State of Bihar as also counsel for the State of Jharkhand.

In the present case, the petitioner has sought relief as mentioned in paragraph nos.1 & 8 of the writ application which reads as follows:-

“1. That this is an application for issuance of an appropriate writ, order or direction directing to the respondents to pay the amount from April 1999 to July 2001, arrear of salary from 1.4.1997 to 31.12.1999 on the basis of 5th P.R.C., arrear of salary from 21st July to 25th July 2001, D.A. sanctioned by the Govt. of Bihar, House allowance



Rs. 600/- per month from March 1996 to July 2001, leave travels concession from April 1983 to July 2001, transfer T.A. in coming and out going as per the rule and other admissible dues with interest.

8. *That it is submitted that the following claims could not be paid to the petitioner.*

I. Leave incashment amount from April 1999 to July 2001 according to the rule of Bihar service code.

II. Arrear of salary from 1.4.1997 to 31.12.1999 on the basis of 5th P.R.C.

III. Arrear of salary from 21st July to 25th July 2001.

IV. Arrear D.A. sanctioned by the Govt. of Bihar.

V. House rent allowance Rs. 600/- per month from March 1996 to July 2001.

VI. Leave travel concession from April 1983 to July 2001.

VII. Transferred T.A. in coming and out going and other admissible dues.”

From the records, it appears that the husband of the petitioner was appointed on 15.2.1978 in the office of Divisional Commissioner, Bhagalpur and was posted and deputed in the Land Acquisition Office, Lalmatia Colliary, Raj Mahal Project under the Central Government Scheme for the period 6.4.1983 to 20.7.2001 i.e. for eighteen years. Thereafter, he was transferred to Nath Nagar Anchal Office, Bhagalpur and remained posted there for the period 27.7.2001 to 10.3.2008, in between, transferred to Sanhaua



Anchal and, ultimately, the husband of the petitioner died in harness on 13.9.2008.

A counter affidavit has been filed by the office of the Accountant General, Bihar attaching the letter dated 2.2.2018 which reflects that the Circle Officer, Sanhaula, Bhagalpur vide letter no. 439 dated 27.8.2013 and letter no. Pen-07/Pen 081013072083/201012071936 P2 and G1 dated 2.12.2013, the pension and the gratuity has been revised and the authority letter has already been issued.

In that view of the matter, let the petitioner should file a representation to the Commissioner, Bhagalpur Division raising her grievance, if her husband was not granted revised pay, it must be ensured that the pay of her husband Late Ambika Mandal should be revised and the same should be paid including arrear to the petitioner without delay.

The letter dated 2.2.2018 also shows that the pension and gratuity has been revised but, it does not disclose that the arrear has been paid to the petitioner. In such circumstances, this Court directs that all the payment to which the petitioner is entitled must be calculated and be paid within a period of four months from the date of filing of the representation by the petitioner along with a copy of this order.



This writ application is, accordingly, allowed to the extent indicated above.

(Shivaji Pandey, J)

rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.05.2018
Transmission Date	NA

