

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 20916 of 2013

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Md. Hassan Imam, S/o Late Abdul Shakoor, Resident of Mohalla Chhoti Khagaul,
Police Station Khagaul, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The Education Officer, Patna.
4. District Programme Officer (Esstt.), Patna.
5. District Provident Fund Officer, Patna.
6. Head Master-Cum-Drawing Disbursing Officer, Bari Mandir, Middle School, Rajbanshi Nagar, Sheikhpura, Patna.
7. Head Master, Government Urdu Middle School, Khan Mirja, Mahendru, Patna.
8. Accountant General (A&E), Bihar, Patna.
9. Chief Municipal Commissioner, Patna Municipal Corporation Maurya Lok, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate
For the State	:	Mr. Kinkar Kumar, S.C. 9
For the Accountant General	:	Mr. M. K. Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 08-03-2018

Heard learned counsel for the petitioner; State and
Accountant General.

2. The petitioner has moved the Court for the following
reliefs:

*“ (i) For quashing of the office order issued
vide memo no. 932 dated 15.02.2010 passed by the
then D.S.E. Patna, whereby and where under he has
rejected the repretention of petitioner.*

*(ii) For issuance of an appropriate
writ/order/direction to the respondents to pay the
contributory provident fund amount w.e.f. April
1963 to November 1966 with interest.*

(iii) For payment of remaining General



Provident Fund amount of Rs. 1,01,110.00 with statutory interest w.e.f. 10.04.2002 to till date.

(iv) For payment of statutory interest for 3 months of G.P.F. amount (Rs. 3,84,457.00).

(v) For payment of interest on delayed payment of revised gratuity amount of Rs. 61,463.00 w.e.f. 01.04.2002 to 01.03.2009 amounting to Rs. 25,021.00.

(vi) For payment of interest on delayed payment of revised pension w.e.f. 01.04.2002 to 01.04.2009.

(vii) For payment of interest on difference of salary w.e.f. 01.04.1973 till 31.03.2003 amounting to Rs. 6,89,973/- approx.”

3. However, today the position is that he is claiming interest on the amount which was paid to him after delay on account of the Graduate Trained Scale being granted to him by a Division Bench of this Court with effect from 01.01.1971 till 1986, from when he was already being paid in the Graduate Trained Scale.

4. Learned counsel for the petitioner submitted that him having cleared the training examination in the year 1971, he was entitled to payment in the Graduate Trained Scale which was wrongly denied and, thus, he should also be paid interest for delayed payment which was made in the year 2008.

5. Learned counsel for the State submitted that the Court may not consider the prayer for interest in the present writ application as in the earlier two rounds of litigation, the petitioner has never raised this issue. Learned counsel drew the attention of the



Court to order dated 17.04.2007 in L.P.A. No. 278 of 1998 by which the petitioner has been held entitled to the Graduate Trained Scale with effect from 01.01.1971 and also the order dated 29.10.2009 in C.W.J.C. No. 14183 of 2009 filed by the petitioner. Learned counsel submitted that nowhere had the petitioner raised the plea of grant of interest on delayed payment and, thus, in the present writ, such prayer is clearly misconceived. With regard to the claim of the petitioner for payment of G.P.F. for the period April, 1963 to November, 1966, it was submitted that for the said period, the petitioner was working under the Patna Municipal Corporation and the C.P.F. contribution being the onus and duty of the employer, any claim of the petitioner is maintainable only against the Patna Municipal Corporation and not the State.

6. Faced with the situation, learned counsel for the petitioner submitted that he may be permitted to make a representation before the Patna Municipal Corporation with regard to such payment which may be directed to be considered and disposed off expeditiously and if any payment is to be made, the same be also directed to be made within a reasonable period.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in view of the petitioner not having raised the plea of interest in the earlier two



rounds of litigation, the Court is not inclined to go into the same in the present writ application.

8. Accordingly, the writ petition stands disposed off with liberty to the petitioner to file a detailed representation before the Municipal Commissioner, Patna Municipal Corporation, within four weeks from today with regard to his remaining claim for the period he has worked under the Patna Municipal Corporation. If such a representation is filed within four weeks from today, the Municipal Commissioner, Patna Municipal Corporation shall get the matter verified and pass a reasoned order within four weeks from the date of filing of such representation. If it transpires that any amount is due and payable to the petitioner, the same shall be paid to him within the next four weeks.

9. For the sake of convenience, the Patna Municipal Corporation through the Municipal Commissioner is impleaded as respondent no. 9. Learned counsel for the petitioner shall make necessary correction in the cause title of the writ petitioner during the course of the day.

(Ahsanuddin Amanullah, J.)

P. Kumar

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