

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14185 of 2013

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Nawal Kishore Jha aged 61 years Son of Late Damodar Jha, Resident of Village & P.O. Bhoj Patti, P.S. Sarai, District – Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner -cum-Secretary, Water Resources Department, Sinchai Bhawan, Patna.
2. The Director, Provident Fund Directorate, Pant Bhawan, Patna.
3. The District Provident Fund Officer, Rohtas at Sasaram.
4. The Chief Engineer, Mechanical, Water Resources Department, Old Secretariat Barrack, Patna.
5. The Superintending Engineer, Mechanical Circle, Water Resources Department, Gaya Camp Dehri.
6. The Executive Engineer, Irrigation Mechanical Division, Dehri, District-Rohtas.
7. The Accountant General, Bihar, Birchand Patel Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Prakash, Advocate
For the State	:	Mr. Binod Kumar, Advocate
For the Accountant General	:	Mr. Bindhyachal Rai, 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 a direction on the respondents
for revision of Pension, D.C.R. Gratuity and
Leave salary of the petitioner consequent upon
the second time bound promotion granted to the
petitioner with effect from 1.2.93 in the then scale
of Rs. 950-1400 by the respondent Chief Engineer
in his office order dated 11.2.13 and to release
the arrears thereof to the petitioner.*

*(ii) For a further direction on the
respondents to revise the pay Fixation of the*



petitioner in consequence of the second time bound promotion granted to the petitioner with effect from 1.2.93 and to fix the scale of Rs. 2750-4400 with effect from 1.1.96 and thereafter to fix the scale of Rs. 3050-4590 on grant of First A.C.P. and the scale of Rs. 3200-4900 on grant of Second A.C.P. with effect from 9.8.99 and to release the arrears thereof to the petitioner.

(iii) For a further direction on the respondents to revise the pay of the petitioner as per sixth Pay Revision Committee with effect from 1.1.2006 in accordance with law.

(iv) For a further direction on the respondents particularly the respondent District Provident Fund Officer, Rohtas at Sasaram to release the remaining amount to G.P.F. of the petitioner with up to date statutory interest thereon and to favour with a copy of the calculation chart thereof to the petitioner.

(v) For further direction on the respondents to pay the cost of litigation for causing physical, mental and financial harassment to the petitioner.

3. After some arguments, learned counsel for the petitioner submitted that as of now, in view of the resolution of the State Government dated 12.05.2016, the benefits accruing to the petitioner have to be recalculated in accordance with law, which has not been done. He submitted that the writ petition be disposed off with liberty to the petitioner to file a detailed representation enclosing the supporting documents on which he bases his claim before the competent authority, who may be directed to consider the same and pass a reasoned order thereupon and if payments are required to be made, the same be also directed to be made within a fixed period.



4. Learned counsel for the respondents do not oppose.

5. In view thereof, the writ petition stands disposed off with liberty to the petitioner to file a detailed representation with regard to his claim enclosing supporting materials, before the respondent no. 6. If such representation is filed within two weeks from today, the respondent no. 6 shall look into the matter and pass a reasoned order thereupon within four weeks from the date of filing of the representation. If it transpires that further payment is required to be made to the petitioner, the same shall also be paid to him within six weeks from the date of passing of the order.

6. It goes without saying that the concerned authorities shall be obliged to consider all the issues raised and materials which may be produced by the petitioner.

(Ahsanuddin Amanullah, J.)

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