

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 1954 of 2015

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Vijay Kumar Sinha Son of Late Yogendra Nath Sinha, Resident of Mohalla -
V.I.P. Colony, P.S. - Nawada, District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar, through Law Secretary Government of Bihar, Patna.
2. The District and Sessions Judge-cum-Administrative Authority, Nawada.
3. The Judge-in-Charge, Accounts, Nawada.
4. The Registrar, Civil Court, Nawada.
5. The Accountant, Civil Court, Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Jyoti Ranjan Jha, Advocate

For Respondent/s 2 to 5 : Mr Satyabir Bharti, Advocate

For the State : Mr Anuj Kumar, AC to SC XII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 21-03-2018

Heard the learned counsel for the petitioner and the
respondent-Civil Courts, Nawada.

2 Prayer made in the writ petition is for a direction upon
the respondents for making available benefits of progression in terms
of revised pay scale, MACP and other benefits to which the petitioner
is entitled with effect from January, 2000.

3 It is relevant to note here that by punishment order
dated 03.01.1997, further progression in terms of pay scale and other
benefits were barred for a period of three years.

4 The respondent-Civil Courts, Nawada has filed a



counter affidavit. Specific assertion made in the counter affidavit, which has not been controverted by the petitioner, is that the petitioner was entitled to annual increments and other admissible consequential benefits given to the Clerk grade employees of the Civil Courts from time to time by the State Government with effect from 03.01.2000. It is specifically submitted that by order dated 24.04.2004, salary of the petitioner was enhanced to Rs 4,200/- in the scale of Rs 4,000-100-6,000 from the then existing pay scale of Rs 1,400-40-1,800-50-2,300.

5 Thereafter, under order dated 14.07.2000, his salary was fixed in the pay scale of Rs 5,200/- to Rs 20,200/-. It is also stated that on completion of 10 years of service since January 2000, the petitioner has been allowed benefit of first MACP with effect from 02.01.2010. The counter affidavit discloses that the salary of the petitioner was fixed at Rs 13,290/- on 01.07.2012 but disbursement of the said benefit has not been done till filing of the counter affidavit in September, 2017. From the counter affidavit, it appears that the revised pension of the petitioner has also been sent to the office of the Accountant General, Patna for payment. The petitioner has not impleaded the Accountant General as a party to the instant proceeding nor the assertions made by the Civil Courts, Nawada in the counter affidavit are controverted by the petitioner.



6 Thus, admittedly, all the benefits, to which the petitioner was entitled, has been authorized by the Civil Courts, Nawada deeming his eligibility with effect from January, 2000 that is the date on which the order of punishment seized to have any effect against the petitioner. However, if any payment, pursuant to the said decision of the Civil Courts, Nawada, has not been disbursed by the Accountant General, petitioner would be at liberty to make his representation before the office of the Accountant General.

7 With the aforesaid liberty, this writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.03.2018
Transmission Date	NA

