

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9584 of 2014

Arvind Kumar Singh son of Late Chhotelal Mandal resident of village -
Pouria, P.O. Supaur Jamua, Police Station - Sangrampur, District - Monghyr,
at present Retired Headmaster, High School Khair, Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Joint Secretary, Human Resources Development Department, Bihar, New
Secretariat, Patna
3. District Magistrate, Jamui
4. District Education Officer, Jamui
5. Headmaster, High School Khair, Jamui
6. Accountant General, Bihar, Birchand Patel Path, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Uma Kant Verma, Advocate
For the Respondent/s : Mr. Gp32- Harish Kumar
For Accountant General : Mr. Ragwanand, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 06-09-2018 Heard Mr. Umakant Verma, learned counsel
appearing on behalf of the petitioner and learned counsel
appearing on behalf of the respondents.

This writ petition was filed on 12.06.2014 with two
advance copies to the office of Advocate General.
Unfortunately, even after four years, no counter affidavit has
been filed.

The grievance of the petitioner in the present writ
application is wrong calculation of the pay-scale of the
petitioner on his promotion on the post of Headmaster.

Learned counsel appearing on behalf of the petitioner



submits that in terms of fundamental rule 22 (1)(a)(i) three per cent of basic pay and grade pay was required to be added in the pay-scale of the petitioner but respondents have not added the benefit for which the petitioner was entitled in terms of fundamental rule mentioned hereinabove.

The petitioner has superannuated on 31.05.2012. and as such the respondents have only determined his entitlement or payment of arrears and re-fixation of post-retiral dues on the basis of addition of the increment and other admissible emoluments in terms of the fundamental rule.

Since, no counter affidavit has been filed in the present writ application, the Court is constrained to dispose of the writ petition with direction to the respondents to take final decision with regard to the claim of the petitioner for grant of increment in terms of fundamental rule 22 (1)(a)(i) and calculate the arrears payable to the petitioner within a maximum period of four months from today. The respondents are also obliged to re-fix the pensionary benefit of the petitioner on the basis of the revised pay-scale on account of promotion of the petitioner with effect from 09.12.2010 within the aforesaid period of four months. The respondents are also required to ensure payment of the monetary benefit within a further period of one month from



the date of such decision.

With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

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