

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16483 of 2012

Alakhdeo Prasad S/O Late Rameshwar Singh Resident Of Mohalla Old Kankarbagh, Gate No. 14, Lohia Nagar, P.S. Patrakar Nagar, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary In Chief, Finance Department, Government Of Bihar, Patna.
3. The District Education Officer, Patna.
4. The Director, Primary Education, Bihar, Patna.
5. The District Account Officer, Patna.
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abdul Wadood, Advocate
For the Respondent/s	:	Mr. Harendra Pd. Singh, Advocate
For the A. G.	:	Vivekanand Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 25-07-2018 Heard learned counsel for the petitioner and the counsel appearing on behalf of the State as well as the learned counsel appearing on behalf of the Accountant General.

The petitioner is aggrieved by wrong fixation of his pay as respondents have not followed the fundamental rules while fixing pay scale of the petitioner.

Learned counsel for the petitioner submits that petitioner has superannuated on 31.7.2008 from the post of Headmaster but due to wrong fixation he has suffered adversely in the matter of payment of salary and post retiral dues. However, he has not placed on record any document to show that any decision was taken.



On behalf of the Accountant General, a counter affidavit has been filed where in para-6 the following stands has been taken which reads as follows:-

“That the Replying Respondent office i.e. Accountant General office only responsible for authorization of pension/D.C.R.G/C.V.P. the same has already been authorized to the petitioner from the replying respondent office vide its P.P.O. No. 462555 as per the authorization made by the D.S.E., Patna vide letter No. 3922 dated 31.07.2008 hence at present no any grievances of the petitioner with the replying respondent office.”

It appears that there is total reluctance on the part of respondents and halfheartedly petition filed on behalf of the petitioner.

Under the aforesaid, the writ petition is disposed of with liberty to the petitioner to agitate his grievance with regard to wrong fixation before the District Education Officer, Patna who shall examine the claim of the petitioner and pass appropriate order and if it is found that pay fixation of the petitioner was wrongly done, the corrective measure should be taken in favour of the petitioner by the District Education Officer, Patna.

Final decision in this regard may be taken by the respondents within a period of three months from the date of



receipt/production of a copy of this order.

It goes without saying that if respondents admit error in pay fixation, they may grant the benefit of correction to the petitioner within the time frame indicated above.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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