IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1480 of 2019

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Sachchidanand Prasad S/o Late Rameshwar Mahto Vill.-Madhepur, P.s.-Kashichak, Distt.-Nawada at present residing at mohalla- Patelnagar, P.o. and P.s.-Warsaliganj, Nawada.

... ... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, New Secretarial, Vikas Bhawan, Patna
2. The Director Primary Education, Education Department, Govt. of Bihar, New Secretarial, Vikas Bhawan, Patna
3. The District Education Officer Nawada
4. The District Programme Officer (Establishment) Nawada
5. The Head Master Swami Sahjanand Middle School-cum-D.D.O., Warisaliganj, Nawada
6. The Accountant General (A and E) Bihar, Birchand Patel Path, Patna
7. The District Treasury Officer, Nawadah.

... ... Respondent/s

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Appearance :

For the Petitioner	:	Mr. Shivendra Kishore, Sr. Adv. with Mr. Ajay Kumar Prasad, Adv.
For the State	:	Mr. Ashutosh Ranjan Pandey, AAG XV
For the AG	:	Mr. Satyendra Kumar Jha, Adv.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

6 22-04-2019 Heard the learned counsel for the petitioner and the learned counsels appearing for the State as well as the Accountant General, Bihar, Patna.

In pursuance to the order, dated 15.04.2019, the District Programme Officer (Establishment), Nawada, namely, Bhushan Kumar, and the District Treasury Officer, Nawada, namely, L.C. Bishwas 'Maqntu', have appeared in person.

A supplementary counter affidavit has been filed on behalf of respondent no. 4, the District Programme Officer (Establishment), Nawada, stating therein that from December, 2013, till February, 2019, arrears of 90 % has been calculated which comes to Rs.19,65,033/-.

A counter affidavit has been filed on behalf of the District Treasury Officer, Nawada, respondent no. 7, stating therein that the petitioner retired in the year 2010, which has been stated to be incorrect as the date of retirement is 31.07.2012. The employees data has not been generated in the Comprehensive Financial Management System due to which the said amount could not be deposited in the account of the petitioner. In this regard, the respondent no. 4 has issued letter, as contained in Annexure 'D' to the Joint Secretary, Finance Department, for generating the data of the petitioner under the Comprehensive Financial Management System so that the amount of Rs.19,65,033/- could be credited in the account of the petitioner for which the respondents 4 and 7 under take to deposit in the account of the petitioner after generating Comprehensive Financial Management System data.

Learned counsel for the petitioner submits that although the pension has been fixed in the case of the petitioner, but, the dearness allowance has not been calculated on the pension of the petitioner.

Considering the submissions, made by the respondents 4 and 7, they are directed to deposit the entire amount calculated from December, 2013, to February, 2019 being 90% of the pension within a period of two weeks, from the date of receipt/production of a copy of this order. So far as the calculation of dearness allowance in the pension amount of the petitioner is concerned, the petitioner is directed to file a representation before the respondent no. 4, the District Programme Officer (Establishment), Nawada, regarding his said claim, which will be considered and disposed of within a period of three months, from the date of receipt of such representation. If certain amounts are due, the same shall be credited in the account of the petitioner within a period of one month thereafter. If certain amounts are inadmissible, the same shall be communicated to the petitioner by a speaking order sent through registered post.

The writ application is **disposed of**, accordingly.

(Nilu Agrawal, J)

Shamshad/-

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