

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18865 of 2018

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Raj Kumar Mehtar @ Raj Kumar Ram S/o Late Bhola Ram, Resident of
Mohalla- Salempur, Ward No. 11, P.O. P.S.- Bart at Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Nagar Parishad, Barh, through its Executive Officer, Barh, Distt.- Patna.
3. The Executive Officer, Barh, Nagar Parishad, Distt.- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar Jha, Adv.

For the Nagar Parishad : Mr. Tripurari Nath Ambustha, Adv.

For the Respondent/s : Mr.Kinkar Kumar- Sc9

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 09-05-2019 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel appearing on behalf of the Nagar Parishad, Barh.

Petitioner in the present writ application claims payment of retiral dues as per 5th and 6th Pay Revision, arrears of difference of pay under 5th and 6th Pay Revision, arrears of pension under 6th Pay Revision, G.P.F. with upto date interest, gratuity and group insurance, dearness and medical allowance, leave encashment of 300 days. Petitioner superannuated on 30.09.2017 from the post of Safai Karamchari under the



respondent Nagar Parishad, Barh.

A counter affidavit has been filed on behalf of the Nagar Parishad, Barh stating therein that leave encashment, gratuity, difference of salary from March 1989 to March, 1991 has already been paid.

So far as G.P.F. along with statutory interest is concerned, it has been stated that the petitioner has not submitted her pass book hence the G.P.F. amount could not be credited in her account for which a letter dated 05.07.2018 has been written to the petitioner which is Annexure-B to the said counter affidavit. So far as 5th and 6th Pay Revision calculation of salary and pension is concerned, the employees have been granted revision of the pay under 5th and 6th Pay Revision w.e.f. 01.04.2009 and 01.04.2016 respectively and the petitioner is already getting her salary in view of 6th Pay Revision as such, the revision of salary and pension as per 5th and 6th Pay Revision is not entertainable.

However, learned counsel for the petitioner submits that some amounts are still due towards retiral dues.

Considering the same, the petitioner is directed to approach the authorities concerned and deposit the pass book so that G.P.F. with interest would be credited in her account within



a period of two months from the date of receipt/production of the copy of this order. So far as other dues which the petitioner claims, petitioner is at liberty to file a detailed representation before the respondent no. 3, the Executive Officer, Barh Nagar Parishad regarding her unpaid dues which will be disposed of within three months from the date of filing of such representation. Any amount due to the petitioner would be paid within two months thereafter.

Writ application stands disposed of accordingly.

(Nilu Agrawal, J)

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