**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Civil Writ Jurisdiction Case No.4194 of 2019**

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Umeshwar Nath S/O- Sri Siddh Nath Singh R/O- Village/ Mohalla- Satyendra Nagar, Mahadev Sthan, P.O- and P.S-Maner, District- Patna

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna
2. The Director Secondary Education, Govt. of Bihar, Patna
3. The Regional Deputy Director of Education, Munger Division Munger
4. The District Education Officer Lakhisarai
5. The District Programme Officer(Establishment) Lakhisarai
6. The District Provident Funds Officer Munger
7. The Treasury Officer Patna
8. The Treasury Officer Lakhisarai
9. The Accountant General, Bihar Patna

... ... Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Rajeev Lochan, Advocate |
| For the Respondent/s | : | Mr.Prabhakar Jha ( Gp27 ) |
| | | Mr. Umesh Narayan Dubey, AC to GP-27 |
| For the AG | : | Mr. Shiv Kumar, Advocate |

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**
**ORAL JUDGMENT**
**Date : 07-05-2019**

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel appearing on behalf of the Accountant General, Bihar, Patna.

2. Petitioner retired with effect from 31.12.2016 from the post of Clerk while working in the office of the District Education Officer, Lakhisarai. He prays for payment of his admitted retiral dues, such as, gratuity, GPF, earned leave, commutation of pension, monthly pension and difference of

arrears of salary on account of grant of benefit of two ACPs and 3rd MACP in terms of office Memo No. 148 and 149 dated 31.01.2017. He has also prayed for revision of pension, gratuity, commuted value of pension in view of the grant of benefit of two ACPs and 3rd MACP and also in terms of fixation of pay as per 7th Pay Revision.

3. Learned counsel for the petitioner submits that although the PPO has been prepared sanctioning gratuity, commuted value of pension and pension under the old scale without the benefit of two ACPs, 3rd MACP and a no dues certificate dated 14.06.2017 has been issued by the District Programme Officer (Establishment), Lakhisarai, as contained in Annexure-P/4 but still the retiral benefits has not been received by the petitioner and only group insurance and earned leave and that too without revision has been paid to him.

4. Considering the nature of claim made by the petitioner, the District Treasury Officer, Patna (Respondent No. 7) is directed to release payment of the amount sanctioned by the PPO of the Accountant General and also grant pension and arrears of pension to the petitioner within a period of two months from the date of receipt/ production of a copy of this order.

5. So far revision of pension after considering the two ACPs and $3^{rd}$ MACP and in terms of fixation of pay as per $7^{th}$ Pay Revision, the District Programme Officer (Establishment), Lakhisarai is directed to look into the claim of the petitioner and make payment of the same if admissible within the same time.

6. It goes without saying that no dues certificate issued by the District Education Officer, Lakhisarai, as contained in Annexure-P/4, to the Treasury Officer, Lakhisarai would be communicated by Respondent No. 8, the Treasury Officer, Lakhisarai to the Treasury Officer, Patna within a fortnight and the Accountant General is directed to release the petitioner’s copy of PPO, if not already issued, within the said period.

7. Writ application stands disposed of accordingly.

**(Nilu Agrawal, J)**

Rajesh/-

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| **AFR/NAFR** | NAFR |
| **CAV DATE** | NA |
| **Uploading Date** | 09.05.2019 |
| **Transmission Date** | NA |