

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6198 of 2019

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Ram Das Choudhary Son of (Late) Babu Lal Choudhary present resident of village-Indrapuri Colony, P.S. Indrapuri, G-Type, Dehri-on-Sone, District-Rohtas old resident of Diwan Mohalla, Nauzer Ghat, P.O.-Patna City, P.S. Khajekalan, Patna, Bihar-800008

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner-cum-Secretary, Water Resources Department, Govt. of Bihar, Patna
2. The Financial Advisor-cum-Chief Account Officer Water Resources Department, Govt. of Bihar, Patna
3. The Account Officer Flood Control Division Samstipur (Under Water Resources Department) Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate
For the Respondents : Mr. Vinay Kirti Singh (GA-2)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
Date : 22-04-2019

Heard the learned counsel for the parties.

2. The petitioner has approached this Court, though much belatedly for payment of the revised scale of Rs. 1200-1800 which is admissible to Junior Accounts Clerk, on which post he stood promoted with effect from 02.08.1988.

3. Because of the superannuation of the petitioner and his shifting to his village home, he could not know the necessity of approaching the concerned respondents for re-fixing his salary and consequently retrieving his pension. The petitioner continued to accept the pensionary



benefits but without any re-fixation after the revised scale on the post of Junior Accounts Clerk.

4. The reason for his approaching this Court after so many years is only his unawareness of the circular by which same salary was made admissible to Junior and Senior Accounts Clerks, which circular had come into existence a year after the superannuation of the petitioner. It was only after he came to learn through some of his surviving colleagues that his pension was required to be re-fixed in the light of the revision in the pay scale at the stage of Junior Accounts Clerk, that he has approached this Court.

5. It is precisely for the reason of the old age of the petitioner and the explanation offered for such delayed invoking of the jurisdiction of this Court which *prima facie* appears to be correct that this Court has entertained this writ petition.

6. The petitioner, under the aforesaid circumstances, is directed to make a representation before the Accounts Officer, Flood Control Division, Samastipur (under Water Resources Department) (respondent no. 3) within a period of four weeks from today, who, on receipt of the aforesaid representation shall look into the matter, verify the records and thereafter pass a reasoned order in accordance with law within a period of eight weeks



thereafter. If at all the claim of the petitioner, is found to be tenable necessary sequel order shall also be passed within the aforesaid period.

6. With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.04.2019
Transmission Date	

