

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8619 of 2017

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Kundan Kumar Son of Late Bramhanand Prasad, Resident of West of T.N. Banerjee Garden Salimpur, Dumra P/o B.V. College P.S.- Airport, District- Patna, Pin- 800014.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Secretary, Animal Husbandary Bihar, Patna.
3. Director, Animal Husbandary, Bihar, Patna.
4. Regional Director, Animal Husbandary, Purnea Commissionery, District- Purnia.
5. District Animal Husbandary Officer, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar
For the Respondent/s : Mr.Raj Kishore Roy-Gp18

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 08-05-2019

Heard the parties.

Learned counsel for the petitioner submits that all retiral dues of the petitioner have been paid. Learned counsel for the petitioner has filed I.A. No.282 of 2018 which is an amendment application seeking amendment of prayer in the original writ application. In this I.A. application, the petitioner has prayed for amendment in the prayer portion of the writ application and the new prayer which the petitioner seeks to amend has been mentioned in para 9 (iv) (v) of the I.A application, which are as follows :-



(iv) For issuance of a direction upon the respondent authorities to render benefits of 3rd ACP/MACP to the petitioner and pay the arrears of the salary together with interest and difference of retiral dues such as leave encashment, gratuity and also pension etc.

(v) For a direction upon respondent no.5 to release the 100 % of the gratuity amount to the petitioner which has been denied to him in terms of memo no.1045 dated 13.09.2017 issued by respondent no.5.

The petitioner has drawn attention of the Court to Annexure-1 of the I.A. application which is an order passed by Director of Animal Husbandry dated 28.11.2017 by which the third ACP has been granted to the petitioner with effect from 01.01.2009. Petitioner has also drawn attention of this Court to Annexure-1/A which is representation filed by the petitioner in which the petitioner has claimed the difference of salary pursuant to the grant of third ACP with effect from 01.01.2009 and the consequential benefits arising thereof.

Be that as it may, since all the retiral benefits of the petitioner have already been paid, the interest of justice demand that the authorities may decide the representation of the petitioner by reasoned order within a period of three months.



Accordingly, the I.A. No.282 of 2018 is allowed. The respondent No.3, the Director, Animal Husbandary Bihar Patna is directed to dispose of the representation of the petitioner at Annexure-1A to the I.A. No.282 of 2018 within a period of three months by a reasoned order and if claim of the petitioner is found admissible, the required payment is directed to be made to the petitioner within a further period of two months from the date of production of a copy of this order. The writ application is disposed of in aforesaid terms.

(Anil Kumar Sinha, J)

sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
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