

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.578 of 2018

In
Civil Writ Jurisdiction Case No.11378 of 1997

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1. Smt. Pramila Bala, Wife of late Jagat Narain Prasad, Resident of Ram Dayalu Path, Ramdayalunagar, Police Station- Kani Mohammadpur, Post office- Ramana, District- Muzaffarpur.
 2. Nirnimesh Anand, Son of late Jagat Narain Prasad, Resident of Ram Dayalu Path, Ramdayalunagar, Police Station- Kani Mohammadpur, Post office- Ramana, District- Muzaffarpur.
 3. Abhishek Anand, Son of late Jagat Narain Prasad, Resident of Ram Dayalu Path, Ramdayalunagar, Police Station- Kani Mohammadpur, Post office- Ramana, District- Muzaffarpur.
 4. Saurabh Anand Son of late Jagat Narain Prasad, Resident of Ram Dayalu Path, Ramdayalunagar, Police Station- Kani Mohammadpur, Post office- Ramana, District- Muzaffarpur.
 5. Pratiksha Anand, Daughter of late Jagat Narain Prasad, Resident of Ram Dayalu Path, Ramdayalunagar, Police Station- Kani Mohammadpur, Post office- Ramana, District- Muzaffarpur.
 6. Samikala Anand, Daughter of late Jagat Narain Prasad, Resident of Ram Dayalu Path, Ramdayalunagar, Police Station- Kani Mohammadpur, Post Office- Ramana, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary-Cum-Commissioner, Water Resources Department, Government of Bihar, Sichai Bhawan, Patna.
2. Sri Arun Kumar Singh, (Name of father not known to petitioner), Secretary-Cum-Commissioner, Water Resources Department, Government of Bihar, Sichai Bhawan, Patna.
3. Sri Arun Kumar (Head Quarter), (Name of father not known to the petitioner), Engineer-in-Chief, Water Resources Department, Bihar, Patna.
4. Sri Rakesh Mohan, (Name of father not known to petitioner), the Joint Secretary to the Government, Water Resources Department, Bihar, Patna.
5. Sri Jiwaneshwar Rajak, (Name of father not known to petitioner), Deputy Secretary to Government, Water Resources Department, Bihar, Patna.
6. Sri Dinesh Kumar Chaudhary, (Name of father not known to petitioner), Chief Engineer, Water Resources Department, Siwan, District- Siwan.
7. Sri....., (Name of father not known to petitioner), the Superintending Engineer, Gandak Canal Circle, Siwan.
8. Sri....., (Name of father not known to petitioner), Executive Engineer, Water Drainage Investigation Division, Gandak Project, Chapra, Division.
9. Sri., (Name of father not known to petitioner) Sub-Divisional Officer, Water Drainage Investigation, Gandak Project, P.O. Parsa, District-Chapra..



10. Executive Engineer, Irrigation Division, Raghopur.
11. Accountant General, Bihar, Patna.
12. The Director Provident Fund , Pant Bhawan, Patna, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Adv.
For the Opposite Party/s : Mr. Deepak Sahay Jamuar, AC to AAG- 4.
For the Opposite Party-AG: Mr. Purushottam Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date : 17-07-2019

While learned counsel for the Accountant General by producing a communication addressed to him by the Accountant General informs that necessary orders authorizing arrears of pension/family pension, has since been issued by the Accountant General for onward action by the controlling authority, Mr. Deepak Sahay Jamuar, learned AC to AAG-4 informs that payments have also been made towards pension/gratuity/provident fund which position is not disputed by Mr. Sanjeet Kumar, learned counsel appearing for the petitioner who while accepting such position submits that though the arrears of provisional pension has been received by the petitioner but the final pension on determination together with its arrears are yet to be paid.

Since authorization on the basis of the information available on record has already been given by the Accountant General bearing note of the observation of this Court as informed



by learned counsel for the Accountant General, there should not be any impediment now for the State in the concerned department to take steps for making payment of the final determined amount of pension as admissible to the deceased employee as well as the family pension admissible to the petitioner. The same direction would also apply in so far as payment of gratuity is concerned.

Mr. Sanjeet Kumar, while canvassing as such also submits that the determination has been made on pre-revised scale and which requires consequential revision in pension and gratuity etc. for which the petitioner would be representing before the Principal Secretary, Water Resources Department for consideration and disposal.

While appreciating the steps taken by the Accountant General to authorize the pension simply on the basis of the information supplied by the State Government, I would direct the State to ensure that whatever be the dues that have remained pending including final pension and gratuity in terms of the authorization of the Accountant General, be made within four weeks from today.

In so far as the issue of revision of the pay scale and consequential revision in pension and gratuity is concerned, the petitioner would be at liberty to move the Principal Secretary,



Water Resources Department who shall consider and dispose of the same in accordance with law within a period of six weeks of such filing.

In the circumstances discussed, I do not see any reason to keep this contempt application pending which is accordingly disposed of with the observations/directions above.

Let the communication of the Accountant General be retained on the record of the proceedings.

(Jyoti Saran, J)

Anjula/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27-07-2019
Transmission Date	NA

