

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12414 of 2015

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Suresh Ram son of late Chhotan Ram, resident of village - Bhagwanpur, P.O. and Police Station - Chandi, District - Nalanda, retired Peon, Project Ram Kishun Bhimlal Girls High School Chandi, District - Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Bihar, Patna.
3. The Regional Deputy Director of Education, Patna Division, Patna.
4. The District Education Officer, Nalanda at Biharsharif.
5. The District Programme Officer Establishment, Nalanda at Biharsharif.
6. The Headmistress, Project Ram Kishun Bhimlal Girls High School Chandi, District - Nalanda.
7. The District Provident Fund Officer, Nalanda at Biharsharif.
8. The Accountant General, Birchand Patel Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Jai Prabhat Kishore, Adv.
For the Respondent/s	:	Mr. Kumar Alok, SC- 8
For Accountant General	:	Mrs. Nivedita Nirvikar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 08-11-2019 The learned counsel for the respondent State has submitted that though part of the outstanding retiral dues of the petitioner had been paid long back, nonetheless the differential arrears of salary/ retiral benefits, taking into account the period pertaining to the year 2000-2008, has now been sanctioned/ paid. It is submitted that leave encashment, amounting a sum of Rs. 1,14,788/- has been sanctioned by way of differential amount and sent to the Treasury Officer, Nalanda. It is further submitted that the gratuity bill has also been prepared and sent



by the District Programme Officer (Establishment), Nalanda for a sum of Rs. 1,19,789, which is also differential amount on account of the aforesaid period i.e. 2000-2008. Lastly, it is submitted that as far as the differential amount of pension is concerned, the same has also been sanctioned by letter dated 4.11.2019 and sent to the Treasury Officer, Nalanda.

Having regard to the aforesaid submissions made by the learned counsel for the respondent State, this Court directs the Treasury Officer, Nalanda and the District Programme Officer (Establishment), Nalanda to ensure payment of the aforesaid sums of money, if not already paid, within a period of three weeks from today, failing which the said two authorities shall not draw their salary.

At this juncture, the learned counsel for the petitioner submits that the other subsisting grievances of the petitioner is regarding non- revision of the pension on the basis of the 6th Pay Revision Committee recommendations. It is further submitted that the period for which the petitioner has worked as peon in Project Ram Kishun Bhimal Girls High School Chandi, Nalanda is required to be taken into consideration for the purpose of calculation of the retiral benefits, in view of the Full Bench judgment of this Court reported in 2019(3) B.L.J. 366 (**The**



State of Bihar & Ors. Vs. Smt. Asha Sharma). Lastly, it is submitted that on account of substantial delay in payment of the retiral dues, the petitioner is entitled to the interest on the delayed payment of retiral dues, made to the petitioner herein.

Having considered the further grievance raised by the learned counsel for the petitioner, I deem it fit and proper to grant liberty to the petitioner to approach the District Programme Officer (Establishment), Nalanda for redressal of his aforesaid grievances and if an appropriate representation is filed within a period of four weeks from today, then the District Programme Officer (Establishment), Nalanda shall pass appropriate orders thereupon within a period of eight weeks thereafter and decide the subsisting grievances of the petitioner by a reasoned order in accordance with law.

As far as the issue of delayed payment of retiral dues is concerned, the petitioner is granted liberty to approach any other appropriate forum, in accordance with law.

The writ petition stands disposed of with the aforesaid directions and observations.

(Mohit Kumar Shah, J)

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