

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1007 of 2018

Govind Das Choubey Son of Late Shivam Das Choubey Resident of Village -
Kulgo, P.O. - Kulgo, P.S. - Dumri, District - Giridih (Jharkhand), PIN -
825106 ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Bihar, Patna.
2. Engineer in Chief, Water Resources Department, Bihar, Patna.
3. Chief Engineer, Central Design, Research and Quality Control, Water Resources Department, Anishabad, Patna.
4. Chief Engineer, Water Resources Department, Aurangabad.
5. Superintending Engineer, Quality Control Irrigation Creation Circle, Water Resources Department, Anishabad, Patna.
6. Executive Engineer, Quality Control, Irrigation Creation, Division Gaya, Swarn Lata Bhawan, Gulab Bagh (Lakhibagh), P.O. - Buniyadganj, Manpur, Gaya - 823003.
7. Correspondence Clerk, O/o Executive Engineer, Quality Control, Irrigation Creation, Division Gaya, Swarn Lata Bhawan, Gulab Bagh (Lakhibagh), P.O. - Buniyadganj, Manpur, Gaya - 823003.
8. Accountant General (A & E), Bir Chand Patel Marg, Bihar, Patna
9. District Provident Fund Officer, Gaya ... Respondents

Appearance :

For the Petitioner	:	Mr. Gautam Saha, Adv.
For the State	:	Mr. Deepak Sahay Jamuar, AC to AAG IV
For the AG	:	Mr. Vivekanand Kumar, Adv.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 08-01-2019 The petitioner is permitted to implead the District Provident Fund Officer, Gaya, as respondent no. 9 to this application.

Heard the learned counsel for the petitioner, the learned counsel appearing for the State as well as the learned counsel appearing for the Accountant General, Bihar, Patna.

The petitioner who retired from the post of Pump Operator on 30.09.2009 prays revision of pension as per first, second and third ACP as well as General Provident Fund which



not been paid to the petitioner.

A counter affidavit and supplementary counter affidavit has been filed by the State on behalf of the respondent no. 6, the Executive Engineer, Quality Control Irrigation Creation, Division Gaya, stating therein that now first and second ACP of the petitioner has been fixed with effect from 09.08.1999 and third ACP has also been fixed and sanction order has been sent to the District Treasury Officer, Gaya, vide Memo No. 111, dated 26.03.2018. So far as the General Provident Fund is concerned, the same has been sent to the District Provident Fund Officer, Gaya. The details have been sent by the respondent no. 6 to the District Provident Fund Officer, Gaya, vide letter no. 260, dated 13.06.2018, as contained in Annexure 'F' to the supplementary counter affidavit.

Learned counsel for the petitioner submits that the pension of the petitioner as per the revision in accordance with first and second ACP has been shown erroneously and General Provident Fund has not yet been paid to the petitioner.

Considering the submissions of the parties, this writ application is **disposed off** with a liberty to the petitioner to file a representation regarding his claim for first, second and third



ACP before the respondent no. 6, the Executive Engineer, Quality Control Irrigation Creation, Division Gaya, which will be disposed of by respondent no. 6 within a period of three months, from the date of receipt filing of such representation. Any calculation done by the respondent no. 6 and entitlement of interest would be then forwarded to the Accountant General, Bihar, Patna, which would be paid to the petitioner within a period of two months thereafter. If certain amount is inadmissible, the same shall be communicated by speaking order to the petitioner through registered post.

So far as General Provident Fund is concerned, the District Provident Fund Officer, Gaya, respondent no. 9, is directed to make payment of the entire General Provident Fund amount of the petitioner within a period of two months from the date of receipt/production of a copy of this order.

(Nilu Agrawal, J)

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