

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10325 of 2017

-
1. Manimala Kumari, wife of Shri Bimalendra Narayan,, Village- Berhna, District- Patna
 2. Manjuu Kumari, wife of Shri Ashok Kumar Sharma, Village- and P.S.- Pandarak, District- Patna
 3. Birendra Prasad Singh, husband of Late Pranita Kumari, village- Shivnagar, District- Mokama.

... .. Petitioners

Versus

1. The State of Bihar
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Patna Division, Patna.
4. The District Education Officer, Patna.
5. The District Programme Officer,(Estta), Patna
6. The District Treasury Officer, Patna
7. The District Provident Fund Officer, Patna.
8. THE Accountant General, Bihar, Birchand Patel Path, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ram Sagar Singh
For the Respondent/s : Mr.S.C. Mishra- Sc16
For the Accountant General,Bihar Mr. Ram Yash Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 19-06-2019 Heard learned counsel for the petitioners and learned
counsels for the respondents.

This application has been filed by the petitioners for a direction to the respondents to pay the retiral benefits treating them to be working since their initial appointment by the then Managing Committee or at least w.e.f. 01.01.1989 along with statutory and penal interest and for payment of revised pension and other retiral dues.



Petitioner Nos. 1 and 2 are the teachers themselves, while petitioner No. 3, happens to be husband of the deceased teacher, Pranita Kumari. It was the contention of the petitioners that although, they are fully entitled for payment of arrears of salary w.e.f from 01.01.1989 along with annual increment, but unfortunately they were paid only w.e.f. 01.07.1998 without any increment and consequently reduced amount of pension and other retiral benefits were being paid to them.

Counter affidavit has been filed on behalf of the respondents State of Bihar as also reply to the counter affidavit has been filed on behalf of the petitioner no. 1.

It is submitted on behalf of the petitioners that from perusal of the letter no. 2342, 2343 and 2344, all dated 13.08.2018, issued under the signature of the District Programme Officer (Estt), Patna, brought on record as Annexure- A series to the counter affidavit filed on behalf of the respondents it transpires that the respondents have agreed with the contention raised on behalf of the petitioners and accordingly, direction for making necessary corrections in the Pension Payment Order with further direction to revise the pension, treating the period from 01.01.1989 to June, 1998, as the petitioners being in service, have been issued.



It is further submitted by learned counsel for the petitioners that although, the decision has been taken by the respondents, as contained in Annexure- A series, however, the benefit of revision of pension has not been given to the petitioners.

It is further submitted that the petitioners are also entitled for Pravaran Vetanman. It is submitted on behalf of the the respondents that the decision, as contained in Annexure- A series, has already been taken and communication having been made to the Accountant General Bihar to this effect and it is expected that the benefit will be paid to the petitioners soon.

It is further contended on behalf of the respondents/State that so far as benefits of A.C.P. is concerned, the same is not admissible to the teachers of Project and Nationalized High Schools, as in the case of the petitioners. However, the counter affidavit is silent with respect to the entitlement of the petitioners with respect to 'Pravaran Vetanman'.

Having heard learned counsel for the parties and having gone through the record, this application is disposed of with a direction to the respondent, the District Education Officer, Patna to ensure that the benefits of the post retiral



benefits, payable to the petitioners, arising out of the order contained in Annexure- A series, be paid to the petitioners within a period of four months from the date of receipt/production of a copy of this order.

So far as the contention of the petitioners with respect of the ‘ Pravarani Vatanman’ is concerned, liberty is granted to each of the petitioners to make a separate representation before the District Education Officer, Patna, who shall decide the matter within a period of four months from the date of receipt of the said representation and in case, any monetary benefits is found payable to the petitioners, the same would also be paid within a period of three months from the date of passing of the order by the District Education Officer, Patna.

With the above observations and directions, this application stands disposed of.

(Partha Sarthy, J)

sudha/-

U		T	
---	--	---	--

