

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23367 of 2018

Devendra Prasad Singh S/o Late Ayodhya Singh R/o Village-Barhiya Taraf
Danil, Ward No 11, P.S-Barhiya, Dist- Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Lakhisarai.
3. The Sub-Divisional Officer, Lakhisarai
4. The Barbiya Nagar Panchayat, through the Executive Officer Barhiya, Lakhisarai.
5. The Executive Officer, Barhiya Nagar Panchayat, Barhiya Dist-Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Onkar Nath
For the Respondent/s	:	Mr.Subhash Pd. Singh- GA-3
For Nagar Panchayat	:	Mr. A.K. Pandey

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 02-12-2019 Heard learned counsel for the parties.

2. The petitioner is seeking a direction to the respondents to allow pensionary benefits including other dues. He is said to have retired on 30.06.2018, while working under Nagar Panchayat Barhiya in the District of Lakhisarai. According to him, he was holding the post of Accountant by virtue of office order dated 13.11.2004.

2. A counter affidavit has been filed on behalf of the Nagar Panchayat, wherein it has been stated that the petitioner has been paid a sum of Rs. 8,37,738.00 as gratuity, Rs.5,07,720.00 as earned leave and 4,30,986.00 as the arrears of



pension. Provident fund amount to the tune of Rs. 18,98,260.00 has also been paid, the counter affidavit states.

3. Learned counsel appearing on behalf of the petitioner has submitted that the petitioner was appointed as an Electrician in the Nagar Panchayat and he superannuated from service on 30.06.2018 and all admitted post retiral dues have been paid to him. He has, however, submitted that the petitioner is entitled for arrears of salary arising out of his promotion from the post of Assistant to the post of *Lekha Pal* by virtue of office order dated 06.11.2013 passed by the Executive Officer of the Nagar Panchayat.

4. I have perused the office order dated 06.11.2013, which has been brought on record by way of Annexure-2 to the writ application. The said order by no stretch of imagination can be treated to be an order of promotion. The petitioner was allotted some work to do. The said order cannot be treated to be promotion and, therefore, there is no question of payment of arrears of salary arising out of such promotion.

5. Noticing the above statements made in the counter affidavit, this application is disposed of.

6. The petitioner shall, however, be at liberty to approach before the appropriate authority, if according to him



his entitlements have not been duly calculated.

(Chakradhari Sharan Singh, J)

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