

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21890 of 2018

Keshav Kishor Sharma Son of Late Ram Sajjan Sharma, Resident of Mohalla-Pankha Toli, near Mai Asthan, P.O.-Ramna, P.S.-Kaji Mohammadpur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Finance Secretary, Bihar, Patna
2. The District Magistrate, Muzaffarpur.
3. The Executive Engineer, Tirhut Canal Division, Muzaffarpur.
4. The Treasury Officer, Muzaffarpur.
5. The District Accounts Officer, Pay Fixation Section Finance Department, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate
For the State : Mr. Anil Kumar Singh, GP-26

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 08-10-2020

Heard learned counsel for the petitioner and learned counsel for the respondents through video conference.

2. The following reliefs as formulated by the petitioner have been claimed in the writ petition--

“(i) To issue an appropriate order/s, direction/s in including a writ preferably in the nature of Mandamus Commanding and directing upon the respondents to make the payment of Rs. 19,890/- P M w.e.f. 01.04.2007 to the petitioner till the date of retirement after giving benefit of 6th pay Revision Commission in the grade pay of Rs. 4600.

(ii) To direct the respondents to make the payment aforesaid to the petitioner in terms of letter no. 630 dated 21.01.2010 and letter no. 275 dated 08.01.2015 Clause (5) of the Finance Department Government of Bihar, Patna.



(iii) To direct the respondents to make the payment aforesaid to the petitioner with penal interest on the ground of delay and latches.

(iv) To any other relief/s to which the petitioner may found entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that he is entitled to grade pay of Rs. 4600/- whereas he has been allowed only Rs. 4200/-, as a result of which an amount of Rs. 19890/- per month with effect from 01.04.2007 is owing to him. It is stated that the said grade pay of Rs. 4600/- on the basis of 6th pay revision has also been taken note of in the office order of the Executive Engineer in his letter no. 102 dated 20.02.2017 (Annexure-2). The petitioner has also filed a representation dated 08.03.2017 (Annexure-3) in this regard, but the amount on the basis of differential grade pay has not been paid to him.

4. Learned counsel for the State appears and has been heard.

5. Having regard to the nature of the grievance of the petitioner, the writ petition is disposed of with a direction to the Executive Engineer, Tirhut Canal Division, Muzaffarpur (respondent no. 3) to consider and dispose of the petitioner's representation dated 08.03.2017 (Annexure-3), if the same is



pending before him, after grant of opportunity of hearing to the petitioner in accordance with law expeditiously and preferably within a period of 12 weeks hereof. Payment to the extent found due to the petitioner upon determination shall be made without delay. In case the petitioner's claim is found inadmissible, whether in whole or in part, the petitioner's representation shall be disposed of by a speaking order in that regard.

6. It is also made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through e-mail and that the petitioner shall be at liberty to request the concerned authority for hearing through video conference. To enable the same, the petitioner shall furnish his mobile number and e-mail ID on the e-mail address of learned Advocate General not later than by 13.10.2020 for onward transmission to the concerned authority.

(Vikash Jain, J)

HR/Ibrar

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09.10.2020
Transmission Date	N/A

