

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4342 of 2020**

=====

Umesh Rajak Son of late Ram Chandra Rajak, Resident of Village Bihta, P.S. Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Joint Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, Muzaffarpur.
5. The District Supply Officer, Vaishali at Hazipur.
6. The Sub- Divisional Officer, Vaishali at Hazipur.
7. The District Provident Fund Officer, Vaishali at Hazipur.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr.Manoj Priyadarshi, Advocate  
For the Respondent/s : Mr.Alok Ranjan, Advocate

=====

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

3      02-09-2020                      Heard   Mr. Manoj Priyadarshi, learned counsel  
  
                                                                                 appearing for the petitioner and Mr. Alok Ranjan, learned  
  
                                                                                 counsel appearing for the respondents.

The petitioner has filed the present writ petition for a direction to the respondents to pay the differences of arrears of salary in the light of sixth pay revision with effect from 1.4.2007, the Group Insurance Amount and GPF amount.

Instead of going to the controversial facts, the necessary facts for adjudication in the present writ application are set out as follows:-



The petitioner was appointed way back in 1988. He was proceeded against on account of Vigilance P.S. Case No. 069 of 2006. On 24.11.2006 the petitioner was put under suspension with effect from 20.10.2006. The Enquiry Officer found him guilty of the charges leveled against him. After second show cause notice, the disciplinary authority inflicted punishment of dismissal from service on 6.6.2014. The petitioner challenged the said dismissal order dated 6.6.2014 in appeal before the Commissioner. The appeal was also dismissed on 15.3.2016. Now the petitioner claims that notwithstanding dismissal from service, the petitioner would be entitled to payment of differences of arrears of salary for the period the petitioner was admittedly in service on the basis of revision of salary in the light of 6<sup>th</sup> PRC. The petitioner is also entitled to Group Insurance, GPF which are admissible even after dismissal from service.

In the counter affidavit filed on behalf of respondent Nos. 1,2 and 5, in paragraphs 8,9,10 and 11 following stands have been taken:-

“8. That it is stated and submitted that vide letter no. 3095 dated 21.07.2020 the department of deponent had requested the Secretary to Commissioner, Tirhut Division,



Muzaffarpur to take needful action for payment of GIS amount and GPF amount of the petitioner as well as the salary of the petitioner in the light of 6<sup>th</sup> Pay Revision. It is pertinent to mention that the petitioner had been dismissed from service vide order contained in Memo No. 2282 dated 06.06.2014.

9. That it is stated and submitted that vide letter No. 5585 dated 24.12.2014 the Secretary to Commissioner, Tirhut Division, Muzaffarpur had requested to the department of deponent seeking direction for payment of GIS amount and GPF amount of the petitioner as well as the due salary of the petitioner in the light of 6<sup>th</sup> Pay Revision before the dismissal of the petitioner as the salary of the petitioner had been revised in the light of 6<sup>th</sup> Pay Revision.

10. That it is stated and submitted that in response to above mentioned letter the department of the deponent has given direction vide Letter No. 3095 dated 21.7.2020 to the Secretary to Commissioner, Tirhut Division, Muzaffarpur and requested to take needful action for payment of GIS amount and GPF amount of the petitioner as well as the due salary of the petitioner in the light of 6<sup>th</sup> Pay Revision before the dismissal of the petitioner as the salary of the petitioner had been revised in the light of 6<sup>th</sup> Pay Revision.

11. That it is stated and submitted that the department of the deponent requested to the



Secretary to Commissioner, Tirhut Division,  
Muzaffarpur for payment of admitted dues of the  
petitioner vide Letter No. 3183 dated 04.08.2020  
and also requested to file counter affidavit in this  
regard.”

In view of the stand taken by the respondent nos. 1,2  
and 5 in the above quoted paragraphs of the counter affidavit,  
the present writ petition is disposed of with direction to the  
respondents to make payment of the due amounts in terms of the  
stand taken in paragraphs 8 to 11 of the counter affidavit at the  
earliest preferably within a period of two months from the date  
of receipt/production of a copy of this order failing which the  
petitioner would be entitled to 9% interest on the entire dues.

With the aforesaid, the writ petition stands disposed  
of.

**(Anil Kumar Upadhyay, J)**

spandey/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

