

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15560 of 2017

=====

Harihar Sah S/o Late Nathuni Sah, Resident of Village- Madhepura, Ward No. 1 Lalu Nagar, P.O. P.S. District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Chief Secretary, Old Secretariat, Bihar, Patna
2. The Finance Commissioner, Bihar, Old Secretariat, Patna.
3. The Accountant General, Bihar, Patna.
4. The Collector, Saharsa.
5. Principal Secretary, Health Department, Patna.
6. Civil Surgeon, Saharsa.
7. Officer-in-Charge, Primary Health Centre, Sonbarsa.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Mallika Mazumdar
For the Respondent/s : Mr.Rajeshwar Singh-Ga10

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 22-05-2020

1. The present writ petition has been filed for revision of pay and modification of the pension amount.
2. The brief facts of the case are that the petitioner was working as IVth grade employee under Officer-in-Charge, Primary Health Centre, Sonbarsa. The petitioner is stated to have superannuated on 01.02.1996, whereafter the pension of the petitioner was fixed in the pre-revised scale and a Pension Payment Order dated 16.10.1996 was issued.
3. It is the contention of the learned counsel for the petitioner that the Government of Bihar has revised the pay of



the staff w.e.f. 01.01.1996 vide letter dated 08.02.1999. As per Finance Department Resolution no. 6607(2) dated 08.02.1999 and Resolution no. 11556 dated 22.12.1999, a Government servant who has retired in between 01.01.1996 to 31.10.1996, is required to be paid revised pay scale w.e.f. 01.01.1996. Hence, it is submitted that since the petitioner has retired on 01.02.1996, his pay and pension is required to be revised.

4. *Per contra*, the learned counsel for the State has submitted, by referring to the counter affidavit filed on behalf of respondent no. 7 i.e. the Officer-in-Charge, Primary Health Centre, Sonbarsa that the salary of the petitioner has already been revised w.e.f. 01.01.1996 and the same has been assessed at Rs. 3790.00, hence the grievance of the petitioner has already stood redressed.

5. At this juncture, the learned counsel for the petitioner has submitted that in case, the financial benefit of the aforesaid revision of pay as also in case, the pension of the petitioner has not been accordingly revised and paid, the same be directed to be paid by the respondents.

6. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the respondents to pay the differential arrears of salary, as aforesaid, if not already paid, for



which the respondents no. 4, 6 and 7 shall be responsible. The respondents no. 4, 6 and 7 shall also ensure revision of pension of the petitioner on the basis of revised pay scale, as aforesaid, in case the same has not already been sanctioned as also for making payment of the arrears thereof. It is expected that the aforesaid exercise would be completed by the respondents no. 4, 6 and 7 within a period of eight weeks from today positively .

7. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

rinkee/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.08.2020
Transmission Date	NA

