

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13594 of 2015

Radheshyam Prasad son of Late Ram Bachan Prasad, Resident of village-
Bharsara, P.S.- Karahgar, District- Rohtas Sasaram

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Director, Primary Education, Education Department, Bihar, Patna.
3. The District Education Officer, Rohtas Sasaram.
4. The District Programme Officer Establishment Rohtas Sasaram.
5. The Block Education Officer, Dinara, Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rana Ishwar Chandra
For the Respondent/s : Mr. A.K. Sinha- GA-9

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 13-02-2020 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The grievance of the petitioner is non-payment of arrears salary from March, 1997 to 31st August, 2001 and for fixation of pension granting continuity in service.

Learned counsel appearing on behalf of petitioner has placed reliance Annexure-4, the certificate issued by the District Education Officer dated 22.08.2003 which indicate that petitioner has continuously worked upto March, 1997 to 31st August, 2001 and as such there is no break in service and he is entitled to full pension. The endorsement in service book was



made on the basis of salary payment register, which is in other words is certificate of payment of salary for the period March, 1997 to August, 2001.

In view of the above, the Court cannot accept the claim of the petitioner for payment of salary for the aforesaid period. However, the aforesaid certificate is relevant for the purpose of continuity in service and for fixation of pension. Accordingly, liberty shall be available to the petitioner to approach the competent authority for granting him benefit of continuity in service and re-fixation of pension accordingly.

Necessary decision in this regard must be taken by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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