

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7385 of 2018

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Deepali Dutta, Wife of Sarwjeet Naryan, Resident of Mohalla-C/o Yogeshwar Prasad Sinha, Jagriti Path Kanchan Kutir, Shivpuri, Police Station-Gardanibag, District Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
3. The District Programme Officer (Esttb), Education Department, Patna.
4. The District Provident officer, Patna.
5. The Treasury Officer, Patna.
6. The Area Education Officer, Patna City, Patna.
7. The Head Master (Mistress), Govt. Girl Middle School, Dariapur Gola, Patna.
8. The Accountant General, Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Pramod Kumar Singh, Advocate.
For the Respondents : Mrs. Meera Singh, G.P. 23

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 01-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned counsel for the respondents.

The following reliefs have been sought for on behalf of the petitioner in the present writ application.

“For issuance of a writ in the nature of Mandamus or any other appropriate writ/rule/direction commanding the respondents authority to make payment of Gratuity, General Provident Fund (G.P.F.),



Leave Encashment, full salary with promotional benefits assistant teacher to senior teacher and all retiral benefits to the petitioner in the light of revised pay scale with statutory interest on the all due amount and further direct the respondent authority to fix the revised pension amount which has not yet fixed/paid to the petitioner.”

In pursuance to the same, a counter affidavit has been filed on behalf of respondent no. 3. The following statements have been made in paragraph nos. 8, 9 10 and 11 of the said counter affidavit.

“8. That it is humbly stated that after retirement, the petitioner was paid amount under different retiral heads as follows:-

i. Final withdrawal of amount of GPF-Rs. 78003/- vide B.D. No. 184767 dated 18.01.2002.

ii. Amount of Group Insurance-Rs. 28854/- vide B.D. No. 535216 dated 22.05.2000.

iii. Amount of unused earned leave Rs. 2668/- vide B.D. no. 759802 dated 03.10.2001.

iv. Provisional Gratuity-Rs. 22868-vide B.D. no. 659465 dated 19.07.2000 and subsequently, final GPO was also issued by the Accountant General, Bihar.

v. Provisional pension was also paid till issuance of authority for payment of final pension by the Accountant General, Bihar.

9. That it is further stated that after retirement, the petitioner was granted senior scale of Matric Trained Teacher after completion of 12 years of service in Matric Trained Scale w.e.f. 14.12.1995 vide office order contained in memo no. 2445 dated 20.04.2001 and in terms of the said order, the difference of arrears of salary was also calculated and paid to the petitioner



amounting to Rs. 759/-vide B.D. no. 981477 dated 04.03.2003.

10. That it is further stated that the pension of the petitioner was also revised in 5th pay revision scale w.e.f. 01.01.1996 but, the arrears was not paid to her since the actual monetary benefits was to be paid w.e.f. 01.04.1997 and the petitioner had retired on 31.01.1997, itself.

11. That so far as claim of the petitioner relating to grant of revised pension, it is humbly stated that vide letter no. 3630 dated 31.12.2018, the office of the Accountant General, Bihar, has been requested to the needful in the matter and intimate accordingly.”

From the statement made in the counter affidavit, it appears that most of grievances of the petitioner have already been redressed by the respondents-State. The petitioner is granted liberty to file/make a fresh representation before the concerned authority within a period of eight weeks from today for remaining grievance, if any. The concerned authority shall pass an appropriate order, in accordance with law, within a period of four months, from the date of filing/making of such representation.

The present writ application stands disposed of with the aforesaid observation and direction.

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(Sudhir Singh, J)

