

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15768 of 2017

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1. Ramanand Yadav and Anr Son of Late Achint Lal Yadav, resident of Village-Chararni, P.O.- Baturbari, P.S.- Tarabari, District- Araria.
 2. Dinesh Lal Karn, Son of Late Yasodharlal Das, resident of Village-Kamalpur, P.O.- Hansa, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education, Government of Bihar, Patna.
3. District Education Officer, Araria.
4. District Programme Officer, Araria.
5. Block Education Officer, Sikta District- Araria.
6. Block Education Officer, Raniganj, District- Araria.
7. Head Master, Middle School, Benga Block Sikti, District- Araria.
8. Head Master, Middle School, Rampur Block Raniganj, District- Araria.
9. Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat
For the Respondent/s : Smt.Shilpa Singh -Ga12

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 07-07-2020 Heard learned counsel for the parties.

The grievance of the petitioners in the present application is non payment of difference of salary, leave encashment, gratuity, pension on fixation of pay scale with effect from 1.4.1993.

Petitioner no.1 retired on 31.12.1998 on attaining the age of superannuation whereas petitioner no.2 retired on 31.1.1998.



On behalf of the respondent, a counter affidavit has been filed. In the counter affidavit, the District Programme Officer, Araria has taken stand that 1993 promotion Rule was effected from 1.1.1998 and therefore the petitioners were granted the benefit with effect from 1.1.1998.

From perusal of the rules, it appears that 1993 Promotion Rules recognizes the entitlement on completion of specific period. From perusal of 1993 rules, it appears that the scheme of promotion rule was implemented in the light of Central Pay Scale with effect from 1.1.1996.

Rule-6 prescribes Kalalwadhi for grant of promotion from one pay to another pay and in view of the aforesaid, the respondents are under obligation to grant the benefit of promotion in terms of promotion rules of 1993 which was made effective from 1.1.1986 on account of implementation of Central Pay Commission.

In view of the aforesaid, the writ petition is disposed of with a direction to the respondents to examine the claim of the petitioner in the light of rule 4 and 6 of 1993 Rules afresh within a maximum period of four months from the date of receipt/production of a copy of this order, failing which the petitioner would be paid interest @ 9 per cent from the date of



retirement till the date of actual payment.

With the aforesaid, the writ application stands
disposed of.

(Anil Kumar Upadhyay, J)

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