

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2665 of 2019

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Ram Mohan Singh S/o Late Ram Prasad Singh Resident of Village-Semra,
P.O. and P.S. Chakiya, Dist. East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors through the Principal Secretary, Home Police Department, Govt. of Bihar, Patna
2. The District Magistrate, East Champaran
3. The Deputy Superintendent of Police P.s. and P.O. Chakiya, East Champaran
4. The Accountant General, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rekha Prasad

For the Respondent/s : Mr.Manish Kumar (GP 4) with Mr. Ravi Verma

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

7 05-11-2020 Learned counsel for the petitioner has submitted that there is an inadvertent typographical error in sub-para III of paragraph 1 of the writ application in as much as Grade Pay of Rs.2,000/- has been typed in place of Grade Pay of Rs.2,400/-.

Without commenting upon the claim as to whether the petitioner is entitled for the said Grade Pay of Rs.2,400/-, it is observed that the petitioner's claim, as raised in paragraph 1 of the writ application, will be treated to be Grade Pay of Rs.2,400/- in place of 2,000/-.

The writ application has been filed seeking following reliefs:-



“1. That the petitioner crave indulgence of this Hon’ble Court for issuance of appropriate writ (s), direction (s), order (s) to the Respondents for the following reliefs:-

(i) For issuance of writ in the nature of Mandamus upon Respondents to show cause as to why the petitioner who is a retired Class-IV, employee is not being paid provisional pension which he is entitled from the date of his retirement from May 2018.

(ii) For issuance of writ of Mandamus upon Respondents directing them to fix and pay final pension after giving benefit of ACP/MACP in the pay scale of Senior Dafadar which he has not been given in his entire service period.

(iii) For issuance of writ/direction/order to the Respondents to pay

(a) Provisional Pension, Calculation of final pension with benefit of ACP/MACP.

(b) Fixation of pension for senior Dafadar in Grade Pay of Rs. 2,000 + Pay Band of Rs. 5,200-20,000.

(c) Gratuity amount.

(d) Provident Fund amount

(e) Group Insurance amount with statutory interest.

(f) Leave encashment amount.

(g) Arrear of Pension

(h) Benefit of the pay revision time to time.

(i) Increment etc.

(iv) Any other relief or reliefs to which the petitioner may be found entitled be also given to him.”

It transpires from the counter affidavit that during the pendency of this application, the petitioner has been paid some of his post retiral benefits. It is, however, the petitioner’s case, as developed in the reply to the counter affidavit filed on his behalf, that the petitioner is entitled for following amount,



which is yet to be paid, as disclosed in paragraph 12 of the reply to the counter affidavit, which reads thus:-

“That the petitioner has calculated his actual entitlement under different heads in the following manner:-

The petitioner Ram Mohan Singh, after 1st ACP Grade Pay 2000 and 2nd M.A.C.P. 2,400, the following amount is due to be paid:-

- 1. Difference of pay – Rs.1,01,435/-
(Detail Chart enclosed)*
- 2. Difference of Gratuity – Rs.21,347/-*
- 3. Difference of unutilized Leave Salary – Rs.14,980/-*
- 4. Difference of Pension from June 2018 to October 2020 @ Rs.700/-P.M, 29X700 – Rs.20,300/- + D.A. time to time*

Total Rs.1,58,062/-+D.A.

The aforesaid due amount of Column 1, 2 and 3 are to be paid by the Government and Column-4 to be paid by the Accountant General, Bihar, Patna.”

It has been stated that the petitioner has sent a representation dated 01.09.2020 through registered post to respondent no. 2, claiming payments, as mentioned in paragraph 12 of the reply to the counter affidavit. The said representation has been brought on record by way of Annexure-11 to the said reply.

Considering the facts and circumstances of the case, this application is disposed of with a direction that let the petitioner's claim, as raised in paragraph 12 of the reply to the counter affidavit, be considered by respondent no. 2 and a decision be taken in this regard within a period of three months from the date of receipt/production of a copy of this order. The



petitioner shall be at liberty to make a fresh representation enclosing a copy of the present order, before respondent no. 2, for the said purpose.

This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

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