

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19816 of 2018

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Vivekanand Mishra S/o Durganand Mishra Resident of Village-Yari,P.S.
Mufassil,Dist.-Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary General Administration
Department,Bihar,Patna
2. The Commissioner, Magadh Pramandal,Gaya
3. The District Magistrate, Aurangabad
4. The Sub-Divisional Officer, Aurangabad
5. The Deputy Collector,Distt. Treasury, Aurangabad
6. The Block Development officer, Kutumba,Dist.-Aurangabad
7. The Accountant General, Bihar,Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Vivek Anand Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 02-07-2020 Heard learned counsel for the respondents. No one appears on behalf of the petitioner. Earlier also no one appeared on behalf of the petitioner.

From the averments made in para-12 to 21 of the counter affidavit filed on behalf of respondent nos. 3,4 and 6, it is apparent that the grievance of the petitioner has been substantially redressed. For ready reference paras 12 to 21 of the counter affidavit is quoted below:-

“12. That it is pertinent to mention here that the answering respondent no.6, the Block



Development Officer, Kutumba has sent the two (2) volume of service book of the petitioner in original to the respondent Block Development Officer, Nabinagar vide letter No.441 dated 30.06.2018, requesting therein to make verification of service bok and also to calculate the period of earn leave of the petitioner.

13. That thereafter the respondent no.6, the Block Development Officer, Kutumba again send a letter to the respondent Block Development Officer, Nabinagar vide letter no.808 dated 02.11.2018, requesting therein to return back the service book of the petitioner after verification of service book and after calculation of earned leave of the petitioner, so that the claim of petitioner with regard to payment of retiral dues of the petitioner could be settled and after its settlement the payment of retiral dues of the petitioner could be made to him.

14. That it is humbly submitted that after retirmeent the amount of G.P.F. amounting to Rs.1,04,142/- has been paid to the petitioner vide Bill No.62/18-19.



15. That it is humbly submitted that the provisional pension from month of March 2018 to November 2018, amounting to Rs.3,02,950/- has also been paid to the petitioner vide Bill No.82/18-19 and it is being paid to the petitioner continuously.

16. That it is humbly submitted that after retirement the amount of formal Gratuity amounting to Rs.7,09,325/- has paid to the petitioner vide Bill No.112/18.19.

17. That it is humbly submitted that after retirement the amount of formal Gratuity amounting to Rs.4,30,500/- has paid to the petitioner vide Bill No.113/18.19.

18. That it is humbly submitted that the bill of different amount of 6th Pay Revision has already been prepared but due to non-availability of "MODULE" on government "MODULE" on CFMS, it will be paid to the petitioner.

19. That it is clearly mentioned in the service book of the petitioner that as the petitioner has already been given benefit of Grade Pay of Rs.1800/-, therefore he is not



entitled to get benefit of 2nd A.C.P.

20. that it is humbly submitted that vide Memo No.06/Nazarat, dated 07.01.2013 of District Magistrate, Aurangabad, the benefit of 3rd Rupantarit A.C.P. in Grade Pay of Rs.2400/- has already been given to the petitioner from 02.10.2012 and in course of its fixation, the pay of petitioner has been fixed Rs.13550/- on 02.10.2012 and thereafter

Rs.13960/- on 01.07.2013 and Rs.14380/- on 01.07.2014 and Rs.14820/- on 01.07.2015 by adding the benefit of 3rd A.C. from 02.10.2012, the bill of petitioner has been prepare. During course of preparation of bill of the petitioner, this fact came in light on comparison of “Bharpai Panzi” that petitioner has been paid basic salary Rs.15360/- on 01.04.2014 in place of Rs.13960/- basic pay and accordingly it has been paid to the petitioner by increasing his salary till the date of his retirement. On calculation it became clear that petitioner has been paid excess payment of Rs.58343/- and after its adjustment in bill, it appeared to be



deposited by the petitioner an amount of Rs.45469/- in the office. The petitioner has already been paid the salary of strike period.

21. That it is humbly submitted that the Block Development Officer, Nabinagar vide his office letter no.652 dated 06.08.2019 informed the respondent no.6, the Block Development Officer, Kutumba that petitioner/Vivekanand Mishra has already been paid full salary of the month of August, 2010 to the month of October, 2010.”

Mr. Vivek Anand Kumar, learned counsel appearing on behalf of the Accountant General submits that the grievance of the petitioner has been redressed.

Considering the aforesaid, the writ petition is disposed of with liberty to the petitioner that if the petitioner has any grievance as to entitlement or in case any of the lawful dues has not been paid, the petitioner may represent the respondent no. 3 along with a copy of this order detailing his legitimate grievance and on filing such representation the respondent no. 3 shall dispose of the representation by reasoned and speaking order within a maximum period of three months from the date of receipt/production of a copy of this order and ensure payment



of admitted dues, if any, within the same period.

With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

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