

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22153 of 2019

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Rekha Devi W/o Late Brahmdeo Lal Karn R/o Village- Piraukhar, P.S.
Madhwapur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Old Secretariat, Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. Director, Primary Education Department, Government of Bihar, Patna, Bihar.
4. The R.D.D.E., Darbhanga Commissionery, Darbhanga.
5. The District Magistrate, Madhubani.
6. The District Education Officer, Madhubani.
7. The District Programme Officer (Establishment), Madhubani.
8. Accountant General, Bihar Beerchand Patel Path, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv.
For the Respondent/s : Mr.Madanjeet Kumar (GP-20)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

8 02-07-2020 Heard learned counsel for the parties.

This writ application has been filed seeking
following reliefs:-

“I. For issuance of writ of certiorari or any other appropriate writ, order(s), direction(s) to the concerned Respondent authority to pay the retiral benefit of the husband of the petitioner in the light of Notification vide Memo No. 2783/Madhubani, dated 3-9-2016 issued by the District Education Officer, Madhbani with



applicable interest from the date of eligibility with calculation chart. (Annexure-P/4).

II. For issuance of appropriate direction to give retiral monetary benefit of the husband of the petitioner of Graduation Scale Grade-4 from 1972 (in the light of order passed in similarly situated case passed in CWJC No. 18417 of 2012 decided on 5-8-2013), which is due against the department.

III. To issue a writ of Mandamus or any other appropriate writ/ order/ direction in the nature of mandamus commanding the respondent's authorities to provide the certified copy of service book of the petitioner's husband."

Counter affidavits have been filed on behalf of the respondents, more particularly respondent no. 7. It has been stated that the District Level Promotion Committee, Madhubani had held its meeting on 19.08.2016 and granted senior pay-scale to the petitioner's late husband and other similarly situated persons. On the basis of said decision the District Education Officer, Madhibani granted the senior pay-scale Grade-3 with effect from 03.09.2016. In terms of Finance Department Resolution No.630 dated 21.01.2010 and 753 dated 20.10.2017 pay-scale of the petitioner's husband was fixed on the basis of 7th Pay Revision.



Subsequently, the District Programme Officer, Madhubani sent the recommendation for revision of the family pension to the Accountant General, Bihar on 09.01.2020.

Mr Chaitanya Swaroop, learned counsel appearing on behalf of the Accountant General has informed this Court that revised authority slip on the basis of revised sanction for payment of pension has been issued by the office of the Accountant General on 25.06.2020. It has been also informed that the authority slip for 7th Pay Scale have also been issued by the office of the Accountant General on 30.06.2020.

In view of the submission made on behalf of Accountant General, it transpires that the petitioner's grievance has been substantially redressed. The respondents are directed to ensure that the payments of arrears are made to the petitioner in the light of authority slips issued by the office of the Accountant General within a period of one month from the date of receipt/ production of a copy of this order. The petitioner shall be at liberty to raise her grievance, if, according to her, fixation of revised pension or pay is not in accordance with law and less than her actual entitlements.



Learned counsel for the Accountant General shall ensure that copies of authority slips are communicated to Mr. Ashok Kumar, learned counsel for the petitioner today itself with the use of whats-app.

(Chakradhari Sharan Singh, J)

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