

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13741 of 2017

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Bishwanath Thakur S/o Late Sukh Deo Thakur, Resident of Village P.O.-
Revilganj, P.S.- Revilganj, District- Saran at Chapra.

... .. Petitioner

Versus

1. The State Of Bihar,
2. Agriculture Production Commissioner, Bihar, Patna.
3. Director Agriculture, Bihar, Patna.
4. Deputy Secretary, Agriculture Department, Govt. of Bihar, Patna.
5. Joint Director of Agriculture, Saran Chapra.
6. Sub-Divisional Agriculture Officer Gen., Saran Chapra.
7. District Agriculture Officer, Begusarai.
8. Treasury Officer, Saran Chapra.
9. Provident Fund Director, Bihar, Patna.
10. Accountant General, Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Shanti Pratap, Advocate
For Accountant General : Mr. Ram Kinker Choubey, Advocate
For the Respondent/s : Mr. Sanjay Kumar, AC to SC-15

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

10 04-03-2021 Heard Sri Shanti Pratap, learned counsel appearing for
petitioner, Sri Ram Kinker Choubey, learned counsel appearing
on behalf of respondent No.10 and Sri Sanjay Kumar, learned
AC to SC-15 appearing on behalf of the State.

This writ application has been filed on behalf of
petitioner under Article 226 of the Constitution of India to issue
writ of mandamus to the respondents to fix pension in revised



pay scale and make payment to the petitioner.

The facts leading to this writ application is that the petitioner was initially appointed as Chowkidar on 05.12.1984 under Agriculture Department, Government of Bihar and he joined on the same day at Sipaya in Gopalganj district. The petitioner retired from the post of Chowkidar on 31.07.2015 from the office of Sub-Divisional Agriculture Officer, Marhora. Thereafter, petitioner had been paid Gratuity, Group Insurance, Leave Encashment vide Memo No. 199, 200 and 201, dated 29.10.2015, respectively, issued by the Sub-Divisional Agriculture Officer, Marhora, Saran (Respondent No.6), but the pension of the petitioner, on revised pay scale, has not been fixed up till now.

It is stated in paragraph No.2 of the supplementary counter affidavit filed on behalf of Respondent No.6 Sub-Divisional Agriculture Officer, Marhaura, Saran that the salary of the petitioner has been revised in the light of the Finance Department Resolution No. 3972, dated 12.05.2016 and Memo No. 7577, dated 23.09.2016 from April, 2007 to December, 2015 and the arrears of differential pay has been calculated by the respondent No.6 on 20.06.2019, as detailed in Annexure – D series and the respondent No.6 has already sent letter No. 119,



dated 13.07.2020 and letter No. 140, dated 19.09.2020 to the Budget Officer, Agriculture Department, Government of Bihar to allocate funds for payment of revised salary to all employees working and retired from the office of Sub-Divisional Agriculture Officer, Marhaura, Saran and as soon as the funds are allocated to the respondent No.6, the arrears of difference of salary of the petitioner will be paid immediately.

Sri Sanjay Kumar, learned AC to SC-15 appearing on behalf of State submits that the fund will be made available within three months to the respondent No.6 for payment of arrears of salary to the petitioner.

Since, the State respondents has admitted the claim of the petitioner for payment of arrears of salary in revised pay scale and admitted that the calculation has already been done and details of which has been given in paragraph Nos. 2 and 3 of the supplementary counter affidavit filed on behalf of respondent No.6.

Accordingly, this writ application is disposed of with direction to respondent Nos. 3 to 5 to make available the fund to Sub-Divisional Agriculture Officer, Marhaura, Saran for payment of arrears of salary to the petitioner according to revised pay scale, who has retired from the post of Chowkidar



from the office of Sub-Divisional Agriculture Officer, Marhaura,
Saran. All the exercise must be completed within a period of
three months from the date of receipt/production of a copy of
this Order.

(Rajendra Kumar Mishra, J)

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