

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1256 of 2021

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PRAHALAD SAH Son of Late Ram Kishun Sah Resident of Mahual Mahaal,
Ward no. 15, P.s.- M.H. Nagar, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Sinchai Bhawan, Patna
2. The Chief Engineer (Mechanical) Water Resources Department, 70/84, New Punai Chak, Patna
3. The Superintending Engineer, Irrigation Mechanical Circle, Birpur, District- Supaul
4. The Executive Engineer, Irrigation Mechanical Division, Chapra (Saran)
5. The Treasury Officer, Siwan
6. The Accountant General (A and E) Bihar, Birchand Patel Path, Patna
7. The State of Jharkhand through Principal Secretary, Water Resources Department, Ranchi, Jharkhand (e.mail address- sec-wrd-jhr at the rate nic.in)
8. The Chief Engineer, Water Resources Department, Ranchi, Jharkhand (e.mail address- ceranchi-wrd-jhr at the rate nic.in)
9. The Executive Engineer, Design Division no.-2, Ranch, Jharkhand (e.mail address- eedesdiv2-cer-jhr at the rate nic.in)

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar
For the Respondent/s : Mr. Shailendra Kumar Singh, AC to AAG 4

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 24-07-2021 Heard learned Counsel for the petitioner and learned
Counsel for the State.

The present writ petition has been filed for a direction
to the respondent authorities to revise the pension. D.C.R.,
gratuity and leave encashment of the petitioner in terms of the
resolution, dated 12.05.2016, of the Finance Department



inasmuch as the pension of the petitioner has been fixed in the grade pay of Rs. 1900/- only, whereas the petitioner is entitled to be given the grade pay of Rs. 2800/- in terms of the said resolution of the Finance Department. The further prayer of the petitioner is to pay the work charged G.P.F. dues of the petitioner relating to the period from August, 1978 to March, 1980 while the petitioner was posted in the Office of the Executive Engineer, Design Division, Irrigation Department, Ranchi. The petitioner further prayed for a direction to the respondent-Executive Engineer, Irrigation Mechanical Division, Chapra (Saran) to pay the five months arrears on 3 per cent D.A., starting from July, 2016.

Learned Counsel for the petitioner submits that a counter affidavit has been filed by the State respondents wherein it has categorically been stated, in paragraph 16 of the counter affidavit, that vide office order, as contained in letter no. 211, dated 09.04.2021, the Executive Engineer, Irrigation Mechanical Division, Chapra, has requested the Accountant General, Bihar, for revision of pension and gratuity on the basis of the revised pay fixation of the petitioner and the Department has also sent the service book of the petitioner as well as relevant documents to the Accountant General, Bihar.



Learned Counsel for the State, referring to paragraph 12 of the counter affidavit, submits that the grievances of the petitioner have been redressed by the Department and so far as the payment of G.P.F. dues for the period August, 1978 to March, 1980 is concerned, the submission is that the petitioner was not under the work charged establishment and he was working as temporary employee under regular establishment.

In view of the above submissions and after carefully gone through the materials available on record, the petitioner is directed to file a representation before the Accountant General Bihar, Patna, within a period of four weeks from today for the payment of retiral dues after fixation of pension in the applicable grade pay in terms of the resolution of the Finance Department mentioned above and if such a representation is filed by the petitioner within the aforesaid period of four weeks, the Accountant General, Bihar, Patna, is further directed to dispose of the said representation within a period of two months from the date of filing of the representation by a speaking order in accordance with law.

Needless to say that if any amount is found payable to the petitioner, the same shall be paid to the petitioner within a period of one month from the date of disposal of the



representation of the petitioner by the Accountant General,
Bihar, Patna.

So far as the claim of the petitioner with regard to the payment of G.P.F. dues for the period August, 1978 to March, 1980, the petitioner is directed to file a representation before the respondent no. 2 within a period of four weeks from today and if such a representation is filed by the petitioner within the aforesaid period, the respondent no. 2 shall dispose of the representation of the petitioner within a period of two months from the date of filing of the representation by a speaking order in accordance with law.

This writ application is disposed of with the aforesaid observations and directions.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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