

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19486 of 2019

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Mahendra Prasad S/o Late Kirti Prasad Yadav R/o Village-Madhura, P.O.
Gariha, P.S.-Saur Bazar, District-Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Consolidation, Bihar Text Book Committee, Patna
2. The Deputy Director Consolidation, Samastipur
3. The District Account Officer (Finance) Purnea
4. The D.M. Purnea

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dharmesh Kumar
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 22-03-2021

The writ petition has been filed for the following
reliefs:-

“(A) To command and direct the Respondents to pay the full retiral benefits on the basis of scale of Rs. 4000-6000 in pursuance to the decisions of the Finance Department vide Memo No. 660 dated 08.02.1999 in the revised scale whereas Respondent No.3 (District Account Officer) Purnia through letter no. 1693 dated 31.10.2002 has fixed scale of Rs. 3050-80-4590 which is contrary to the resolution of Finance Department and moreover, no such scale exists in the consolidation department.



(B) To command and direct the Respondents to recalculate the salary of the petitioner granting the financial benefits like time bound promotion, assured career progression and/or modified career progression whichever is applicable taking into account of his entire service period from 15.11.1971 to 31.06.2008.

(C) To command and direct the Respondents to prefix the pensionary benefit after granting benefit of the anti stagnation scheme and pay the arrear with 12% panel interest as well as statutory interest on the arrear of salary and/or pensionary benefits.”

In this case, a counter affidavit has been filed on behalf of the respondents no. 3 & 4, wherein, it has been stated that petitioner has been paid full retiral dues, which is admissible to him and he was also given a scale of 4000-6000 and scale of 4500-7000, as 1st and 2nd ACP w.e.f. 09.08.99, which is evident from the Memo No. 150 dated 13.02.2018 issued by the Joint Director, Consolidation, Bihar and as such, there is no more dues admissible to the petitioner.

On the direction of this Court, a supplementary counter affidavit has also been filed today on behalf of respondents no. 3 & 4, wherein, in paragraph – 8, it is stated that as per records made available by Additional Collector-cum-Deputy Consolidation



Officer, Siwan, vide his letter no. 23 dated 08.03.2021, it is evident that earlier calculation of retiral benefit of the petitioner has been made on the basis of Memo No. 150 dated 13.02.2018 of the Joint Director, Consolidation, Bihar and payment has already been made to the petitioner and in support of the same, payments order has been annexed, as Annexure – G to the supplementary counter affidavit.

In the aforesaid facts and circumstances, this Court finds that no grievance of the petitioner remains to be redressed by the respondents and as such, the writ petition stands disposed of. However, if the petitioner still feels that any grievance remains to be redressed, the petitioner would be at liberty to file representation before the concerned respondent and same shall be disposed of in accordance with law.

With above observation and direction, the writ petition stands disposed of.

(Prabhat Kumar Singh, J.)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24.03.2021
Transmission Date	N/A

