

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9641 of 2021

=====

Lal Kishun Paswan Son of Late Pairu Paswan Resident of Village Bali, P.S.-
Gaurichak and District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate Patna.
3. The Senior Superintendent of Police Patna.
4. The Rural Superintendent of Police Patna.
5. The Station House Officer Fatuha Police Station, Patna.
6. The Sub- Divisional Officer Patna.
7. The Circle Officer Fatuha, District Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda
For the Respondent/s : Mr. Lalit Kishore (AG)

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 18-02-2022

The matter has been heard *via* video conferencing
due to circumstances prevailing on account of the COVID-19
pandemic.

Learned counsel for the State accepts notice for
respondents.

Learned counsel for the petitioner is hereby
directed to serve copy of the petition to learned counsel for the
State, if it is not already served.

In the instant petition, petitioner has prayed for the



following relief/reliefs:

(i) For issuance of an appropriate writ(s), order(s) and/or direction(s) in the nature of writ of mandamus directing the respondents authorities to pay arrear of salary/back wages for 5 months 4 days for the period 08.04.1996 to 25.07.1996 and 17.04.2013 to 04.06.2013 to the petitioner, which has not been paid by the respondent authorities even after his retirement and they are sitting tight over the matter.

(ii) To grant such other consequential relief or reliefs to the petitioner, which this Hon'ble Court may find the petitioner to be entitled to in the facts and circumstance of the case.

Learned counsel for the petitioner submitted that
retiral benefits of the petitioner has been settled. There is a



dispute in respect of not counting service for the period like from 08.04.1996 to 25.07.1996 and 17.04.2013 to 04.06.2013. The aforesaid period has not been taken into consideration for the purpose of extending service benefits like increments, monetary benefits like re-fixation of pay and pension on the score that petitioner was facing a criminal proceeding and it was concluded in acquittal on 01.05.2019 in Criminal Appeal No. 488 of 2013 (D.B.). In the result, the petitioner is stated to have submitted representation vide Annexure-3.

In the light of these facts and circumstances, the petitioner is hereby directed to submit one more representation while enclosing acquittal order so as to enable the concerned respondent to examine the service particulars of the petitioner to the extent that he has not been extended service benefits for the period from 08.04.1996 to 25.07.1996 and 17.04.2013 to 04.06.2013. If the petitioner is otherwise eligible, a detailed order shall be passed in gratuity increments that are due, re-fixation of pay and pension and disbursement of arrears of amount. If the petitioner is not entitled with reference to any provision of law despite the fact that petitioner has been acquitted in a criminal case, in that event, a necessary speaking order shall be passed and communicated to the petitioner. On



receipt of petitioner’s additional representation, the concerned respondent is hereby directed to undertake the aforesaid exercise within a period of three months from the date of receipt of the petitioner’s additional representation to be submitted.

With the above observation, writ petition stands disposed of.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.02.2022
Transmission Date	NA

