IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1006 of 2021

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Rana Pratap Singh Son of Late Bhikhari Singh Resident of Village- Deonah Ward No.-3, near industrial area, Deonah, District- Begusarai, At Present Residing- A/8, Bescoman Colony, P.O.- Guljarbagh, P.S.- Alam Ganj, District- Patna, Bihar.

... ... Petitioner/s

Versus

1. The State of Bihar Through its Secretary, Science and Technology Department, Government of Bihar, New Secretariat Building, Bailey Road, Patna- 800001.
2. The Director Science and Technology Department, Government of Bihar, New Secretariat Building, Bailey Road, Patna- 800001.
3. The Principal Government Polytechnic College, Gaya.
4. The Accountant General Bihar, Veerchand Patel Path, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Lalan Kumar Singh, Advocate.
For the Respondent/s	:	Mr. Satya Vrat, AC to GP-10.
For the A.G.	:	Mr. Arun Kumar Arun, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

7 14-11-2022 Heard Mr. Lalan Kumar Singh, learned counsel for the petitioner, Mr. Arun Kumar Arun learned counsel for the Accountant General and Mr. Satya Vrat, learned AC to GP-10 for the State.

By filing the present writ application, the petitioner seeks direction upon the respondent to consider, revise and fix the pension, gratuity and arrears of difference of pension and other benefits in the light of the 5th Pay Revision, which was implemented w.e.f. 01.01.1996 and monetary benefits given w.e.f. 01.04.1997.

The short facts leading to the filing of the present case is that the petitioner was duly appointed on the post of Assistant Professor in the Government Polytechnic, Gaya on 13.03.1967 and thereafter, he was transferred from Government Polytechnic Gaya to Bhagalpur Engineering College on 05.02.1968 and on 03.12.1968 the services of the petitioner was taken in the Biscoman. It is further submitted that in course of the time, the Government of Bihar took a policy decision in respect of the employees of the Public undertaking of the State of Bihar for the purpose of absorption of their services in different departments of the State of Bihar and in light of the aforesaid policy decision, the services of the petitioner transferred by way of deputation from Biscoman to Government Polytechnic, Gaya on the post of Lecturer, in the month of December, 1994. It is next submitted that after serving for about 30 years, he superannuated on 30.06.1997.

It is further contended that as the petitioner was not allowed the benefit of retiral dues, he was compelled to move before this court by filing CWJC No. 19035 of 2011, which travelled up to the Supreme Court in SLP no. C.C. 22478 of 2011 and finally all the retiral dues have been paid to the petitioner, however, the same was paid on the basis of 4th Pay

Revision. It is further submitted that, though, all the retiral dues of the petitioner was to be paid on the basis of 5th Pay Revision, which was implemented w.e.f. 01.01.1996 and financial benefits granted w.e.f. 01.04.1997 but the same has not been paid despite various representations and requests made by the petitioner and again, he was compelled to come before this court by filling the present writ application. It is next submitted that during the pendency of the writ application, the authority has revised the pension and gratuity as per the 5th Pay Revision, however, the financial benefit has been granted w.e.f. 01.04.2010.

Learned counsel for the petitioner vehemently submitted that several other similarly situated persons, namely, Shailesh Bihari Pandey, Shushil Kumar Mishra, Shiv Shankar Prasad Singh and Awadhesh Prasad, they have been allowed the benefit of 5th Pay Revision w.e.f. 01.04.1997, however, discrimination has been caused and he has not been allowed the benefit of 5th Pay Revision w.e.f. 01.04.1997. He drawn the attention of this court towards annexure-6 to the reply to the counter affidavit filed on behalf of the petitioner.

On the other hand, learned counsel for the State by referring to the statement made in the counter affidavit submits that in order to redress the grievance of the writ petitioner, the

Joint Secretary of the Science and Technology Department, Government of Bihar vide its letter no. 3925 dated 26.11.2019 had already written to the Accountant General, Bihar.

In response to the aforesaid letter the Accountant General, Bihar sought a separate order with regard to entitlement of 5th pay revision of an employee, who was working on 30.06.1997. Further, the Accounts Officer, Biscoman, vide its letter no. 2809 dated 20.03.2020, had clarified the issue regarding the writ petitioner. In the light of the aforesaid clarification given by Biscoman, the Joint Secretary of the Science and Technology Department, vide its letter no. 1283 dated 14.05.2020, has requested the Senior Accounts Officer, Accountant General Office, Bihar, to redress the grievance of the writ petitioner and the matter is pending before the Accountant General but no final order has been passed.

Having heard the parties and considering the notifications issued by the Science and Technology Department as contained in Memo No. 9/13 dated 21.07.2016, it is evident that the services of the all the deputed employees were absorbed w.e.f. 19.12.1994 and they have been given all the benefit of retiral dues by taking into consideration their past services. They have been given financial benefits of 5th Pay Revision w.e.f. 01.04.1997 apart from the fact that the Science and Technology Department has clarified the queries made on behalf of the Accountant General; This Court left with no option but to direct the Accountant General, Bihar, Patna to issue necessary orders for revision of pension/gratuity in the light of the 5th Pay Revision w.e.f. 01.01.1996 extending the monetary benefits to him w.e.f. 01.04.1997 as has been granted to the other similarly situated employees. It is needless to say that the entire exercise must be completed within a period of six weeks from the date of receipt/production of a copy of this order.

Accordingly, the present writ application stands disposed of with the aforesaid observations and directions.

(Harish Kumar, J)

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