

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3802 of 2021

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Dinesh Kumar Mishra s/o Late Ram Sharan Mishra son of Late Ram Sharan Mishra, resident of Mohalla-Navin Nagar, Nawadah, P.S. and District-Nawadah.

... .. Petitioner/s

Versus

1. The State of Bihar The State of Bihar through the Principal Secretary, Department of Rural Development, Government of Bihar, Patna.
2. The Secretary, Department of Rural Development, Bihar, Patna.
3. The District Magistrate, Nawadah.
4. The Deputy Development Commissioner-cum-Chief Executive Officer, D.R.D.A., Nawadah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar
For the Respondent/s : Mr. Akhileshwar Singh, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 31-01-2022

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

2. State counsel accept notice for respondents.

3. Petitioner's counsel is hereby directed to furnish copy of the petition to the State counsel.

4. In the instant petition, petitioner has prayed for following reliefs:

“1. That the petitioner prays for issuance of appropriate order/orders, direction/directions, writ/writs commanding and directing upon the Respondent No. 4 to pay the differences



of salary accrued out of 7th pay revision and payment for the same Respondent State has taken policy decision but the same has not been paid to the petitioner despite the fact that petitioner has retired on 30.09.2017 from the post of office superintendent of D.R.D.A., Nawadah as well as for payment of differences of interest upon Contributory Provident Fund (hereinafter CPF only) which was deposited in Saving Bank Account but the Respondent State has taken decision to pay the interest payable upon G.P.F. of Government employee and pay the differences of interest as petitioner has been paid calculating simple interest payable on Saving Bank Account. Any other order/orders for granting any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.”

5. Short question for consideration in the present petition is whether petitioner is entitled to benefit of 7th pay revision or not? In this regard, petitioner submitted representation on 01.07.2019, Annexure- 5 and it is pending consideration before the concerned respondent. That apart, petitioner has attained age of superannuation and retired from service on 30th September, 2017.

6. Therefore, the concerned respondent is hereby directed to take note of petitioner's service particulars read with representation and the fact that petitioner has retired from service and decide the petitioner's grievance within a period of



two months from the date of receipt of this order, failing which petitioner is entitled to litigation cost and it is quantified @ Rs. 10,000/-. If petitioner is eligible for benefit of 7th pay revision and other consequential benefits, the same shall be extended to him including monetary benefits. If petitioner is otherwise not eligible in that event necessary speaking order shall be passed and communicated to the petitioner within the aforesaid time-limit.

7. With the aforesaid observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

