

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9131 of 2020

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Kamleshwari Prasad W/o Late Krishna Mohan Prasad, resident of 303, Rukmani Palace, Majistrate Colony, BV College, P.S. Rajiv Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Secondary Education, Department of Education, Government of Bihar, New Secretariat, Vikash Bhawan, Patna.
4. The Director (Administration) -cum- Additional Secretary, Department of Education, Government of Bihar, New Secretariat, Vikash Bhawan, Patna.
5. The Regional Deputy Director of Education, Kosi Division, Saharsa.
6. The Treasury Officer, Saharsa.
7. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate.
For the State : Mr. Prabhat Kishore, AC to SC-13.
For the Accountant General: Mr. Chaitanya Swaroop, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 21-06-2023

Heard Mr. Sanjeev Ranjan, learned counsel
appearing on behalf of the petitioner; Mr. Prabhat Kishore,
learned AC to SC-13 for the State and Mr. Chaitanya Swaroop,
learned counsel for the Accountant General.

2. The writ petition has been filed for the following
reliefs:

- A. For payment of difference of arrears of salary of the petitioner's late husband in the scale of Bihar Education Service Class-2 w.e.f. 01.01.1977 on the basis of pay-slip issued by the Finance Department.*
- B. For issuance of necessary payslips by the*



Accountant General, Bihar for the payment of difference of arrears of salary of the petitioner's late husband w.e.f. 01.01.1987 in the scale of 3000-4500 instead of 2200-4000.

C. For revision of family pension w.e.f. 07.06.1996 as per the revised pay scales by the Government vide notification for Class-2 and Class-1 and accordingly for payment of difference arrears of Family Pension and other retiral benefits.

3. Mr. Sanjeev Ranjan, learned counsel appearing on behalf of the petitioner informs this Court that though statements have been made in the counter affidavit, supplementary counter affidavit and second supplementary counter affidavit that almost all the retiral dues admissible to the petitioner have been paid. He informs this Court that in spite of the admitted fact the payment has not been credited into the Bank account of the petitioner till date on account of fixation of pay in the pay scale of Rs.3000-4500/- as per the government circular contained in Letter No.2 dated 24.09.2013 issued by the Finance Department after the law laid down by the Apex Court in Civil Appeal No. 8226-8227 of 2012 (Bihar State Government Secondary School Teachers Association Vs. Bihar Education Service Association and Ors.) and revision of family pension w.e.f. 07.06.1996 as per the revised pay scales by the



Government vide notification for Class-2 and Class-1 and accordingly difference of amount on account of benefits which have been accrued to the petitioner in light of the Letter No.2 dated 24.09.2013. Petitioner admits that family pension of the petitioner has already been revised and payments are being credited into the account of petitioner on monthly basis.

4. Considering the submission made on behalf of the petitioner, this Court directs the Director, Secondary Education, Department of Education, Government of Bihar, Patna – respondent no.3 to go through the records of the case of the petitioner and see that in light of the statement made in the counter affidavit, supplementary counter affidavit and second supplementary counter affidavit, up-to-date payment in light of the Letter No. 2 dated 24.09.2013 is made to the petitioner within a period of six weeks from the date of production of the order.

5. Writ petition is allowed and accordingly stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	29.06.2023
Transmission Date	N.A.

