

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12955 of 2021

=====

Munna Prasad Singh Son of Late Jangbahadur Singh, Resident of Village-Hathiyawan, Post Office-Hathiyawan, Police Station-Sheikhpura, District-Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
2. The Agriculture Director, Bihar, Patna.
3. The Divisional Commissioner, Munger.
4. The District Magistrate, Sheikhpura.
5. The District Agriculture Officer, Sheikhpura.
6. The Director, Provident Fund, Bihar, Patna.
7. The District Provident Fund Officer, Sheikhpura.
8. The Accountant General, Bihar. Patna.

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. Sarvesh Kr. Singh (AAG-13)

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 07-02-2023 Learned counsel for the petitioner and counsel for the State present.

The present application has been filed for the following reliefs:

“(i) A writ in the nature of mandamus commanding and directing upon the Respondents concerned to settle and pay the pension and other retiral benefits with up to date statutory and penal interest as petitioner has retired on 28.02.2019

from the post of Agriculture Inspector (Telhan) under the office of District Agriculture Officer, Sheikhpura and claimed for his settlement and payment of retiral benefits but till date neither pension nor any item of retiral benefits have been paid to the petitioner without any valid reason as also for further direction upon the Respondents concerned to pay the consequential other dues amount including due salary since February 2018 to February, 2019 which could not be paid due to procedural intricacies.

(ii) 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.”

Counter affidavit has been filed from District Agricultural Officer as well as from District Provident fund Officials.

In this regard petitioner has filed his rejoinder and in the said rejoinder the counsel for the petitioner submits that the pension and other retiral dues along with payment of salary has been made but not on the revised pay scale, which has been

granted to the petitioner vide Annexure-8 that has been issued vide Memo No. 355 dated 02.05.2022 in which the name of petitioner has figured at Sl. No. 21.

Counsel for the State submits that today the officials of the Agricultural Department has provided certain documents by which it transpires that for the correction in the pay scale, letter has been sent to District Account Officer. Counsel for the state further submits that there is a dispute which is still in existence relating to payment of his salary during the period of 17.07.2018 to 28.02.2019. In this regard, petitioner is ready in the light of the counter affidavit that the petitioner may be treated as absence but the entire absence period i.e. since 18.07.2018 to February, 2019 may be adjusted against the earned leave of the petitioner for which he is ready to apprise that upon adjustment of the said period against earned leave the payment may be made.

Counsel for the petitioner submits that petitioner is an old aged retired person and he needs a direction from this court that a detail calculation chart relating to payment made to the petitioner may also provided to him.

In this background that the grievances of the petitioner is very limited, it is, therefore, directed to respondent

no.2 that the petitioner shall file a representation in which all the above mentioned grievances he shall mention, on which the Agriculatural Director, Bihar, Patna shall do the needful and pass a reasoned and speaking order calculating his entire dues which has not paid till date with calculation details within eight weeks from the date of fresh representation. Respondent no.2 is also directed to assure the further payment of the petitioner within six weeks thereafter.

It is made clear that respondent no.2 is also calculate the statutory payable interest upon his post retiral dues.

With this direction, this application is disposed off.

(Dr. Anshuman, J.)

ravishankar/-

U			
---	--	--	--