

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13205 of 2021

Subodh Kumar Gupta Son of Saroj Kumar Gupta, Resident of Near Bus Stand, Devi Asthan, Delha, P.S. - Delha, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
2. The Accountant General, Bihar, Patna.
3. The District Magistrate, Gaya.
4. The District Panchayati Raj Officer, Gaya.
5. The Principal, District Panchayati Raj Training Centre, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Tiwary, Adv. with Mr. Anuj Kumar, Adv.
For the Respondent/s	:	Mr. Satya Vrat, (AC - GP10)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 02-01-2023 Heard learned counsel for the petitioner and learned counsel for the State.

Learned counsel for the petitioner has filed the present writ petition with the following reliefs:

“(i). For a direction to the respondents authorities to pay the difference amount of 3 % of the dearness allowance as applicable on the date of retirement on the amount paid against the head of gratuity and earned leave.

(ii). Also for commanding the respondent to make payment of the arrears of the salary for the period

April, 2007 to June 2008, which has not been paid till date.

(iii). Also for grant of monetary benefit accrue to the petitioner a far grant of ACP by fixing the pay on promotional pay scale with all consequential benefits arising thereon.

(iv). Also to commanding the respondent authorities to payment of interest over the aforesaid due amount @ 12 % per annum.

(v). For any other relief/ reliefs if petitioner found entitle in the facts and circumstances of the present case.”

From the record, it transpires that the petitioner has retired on 31.01.2019 from the post of Lecturer from District Panchayati Raj Training Centre, Gaya. It is no where mentioned in the petition that on what post he was initially joined. His date of joining has not been mentioned in the petition. But the petitioner has demanded the arrear of salary as well as the claim for grant of ACP with effect from 03.11.2017.

Learned counsel for the State submits that during the pendency of the writ petition, all admitted dues of the petitioner are paid and calculation has also been attached. Counsel for the

State submits that the present application has been filed for payment of retiral dues, payment of arrear of salary and grant of ACP, admitted dues were paid but other matters need scrutiny by the Competent Authority.

In this background, that all the admitted dues have been paid, payment to arrear of salary and fixation of ACP is a separate cause of action. There is no pleading relating to payment of arrear because even date of joining has also not been mentioned in the present petition and at this level, it is not possible to decide those issues.

In this view of the matter, this writ petition is disposed off with a liberty given to the petitioner that he may move before the Competent Authority for the claims which have not been settled according to him till date with relevant documents. The authority shall decide the same within 6 months from the date of receiving the said representation.

(Dr. Anshuman, J.)

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