

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10381 of 2020

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Sheela Mishra W/o Sri Ram Naresh Mishra a Resident of Vrindavan Kunj,
Baligadh Garden, Club Road, Mithanpura, P.O.-Ramna P.S.-Mithanpura,
Distt.-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Education Officer Darbhanga.
4. The District Programme Officer (Establishment), Darbhanga.
5. The Principal, Rajkiya Madhya Vidyalaya, Kachhua, Jalley, Darbhanga.
6. The Treasury Officer, Darbhanga.
7. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nitesh Kumar, Advocate
For the Respondent/s : Mr. Pramod Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 05-12-2023 Heard Mr. Nitesh Kumar, learned counsel appearing

on behalf of the petitioner and Mr. Pramod Kumar Singh,

learned counsel for the State.

2. The petitioner after rendering for more than thirty
years as an Assistant Teacher, superannuated on 31.12.2018
from Rajkiya Madhya Vidyalaya, Kachhua, Block Jalley,
Darbhanga, has filed the writ petition for grant of his pensionary
dues and also for arrears of salary for seventeen months which
has illegally been withheld during the service period starting
from 1996 to 2003.



3. It is fairly submitted on behalf of the petitioner that during the pendency of the writ petition, the petitioner has been accorded all his pensionary benefits except the salary for the period of seventeen months, the particulars of which has been clearly mentioned in paragraph no. 6 of the writ petition.

4. He further submits that though a counter affidavit has been filed responding to all the claims of the petitioner, but there is no response to the arrears of salary as noted hereinabove.

5. Considering the submissions advanced on behalf of the petitioner, the present writ petition stands disposed off, with a direction to the respondent no. 4 to consider the claim of the petitioner for payment of salary for the period noted in paragraph no. 6 of the writ petition and pass a necessary speaking order, preferably within a period of eight weeks, from the date of receipt/production of a copy of this order.

6. At this stage, learned counsel for the petitioner submits that despite the fact the petitioner superannuated in the year 2018, the petitioner has been allowed the benefit of all the pensionary benefits in the year 2021 and thus, a huge delay has caused in ensuring the payment of all the retiral benefits. He thus prays for interest over the delayed payment.



7. Needless to observe that petitioner is at liberty to file an appropriate representation before the respondent no. 4 for the interest over the delayed payment. If such a representation is filed, the respondent no. 4 shall also consider the claim of the petitioner for interest and dispose of the same by speaking order.

(Harish Kumar, J)

supratim/-

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