

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17628 of 2022

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Awadhesh Prasad Singh, Son of Late Jagarnath Singh, Resident of Village Hari Malahi (Muzaffarpur Malahi) P.S. Bhagwanpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, New Secretariat, Patna.
3. The District Magistrate, Vaishali at Hajipur.
4. The Civil Surgeon, Vaishali at Hajipur, District- Vaishali
5. In-Charge Medical Officer, Primary Health Centre, Mahua, District- Vaishali.
6. The Principal Accountant General, A/E, Bihar, Patna.
7. The District Provident Fund Officer, Vaishali at Hajipur, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Singh, Advocate
For the Respondent/s	:	Mr. Birju Prasad, GP- 13
		Mr. Ajit Anand, AC to GP-13

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 28-11-2023

Heard Mr. Awadhesh Kumar Singh, learned counsel
for the petitioner and Mr. Birju Prasad, learned GP-13.

2. The petitioner after having superannuated from his service on 31.01.2022 from the post of Ward Attendant (4th grade employee) from Additional Primary Health Central, Mahua, Vaishali filed the present writ petition seeking a direction upon the respondents for immediate payment of revised pension with effect from the date of his retirement on the basis of last pay drawn and also to ensure payment of GPF,



leave encashment as well as the benefit accrued under the Accursed Career Progression Scheme.

3. A counter affidavit has been filed on behalf of respondent no.5.

4. Mr. Prasad, learned GP-13 by referring to the averments made therein, submits that after superannuation of the petitioner, the pension has been calculated and prepared on the basis of last salary of the petitioner @ Rs.39,400/- and the same has been sent to the office of the Accountant General. On the basis thereof, the office of the Accountant General, Bihar, Patna issued authority letter and pension has been started. It is further submitted that the petitioner has also filed an application for rectification of his pension amount and on receipt of the same, the pension of the petitioner has been revised vide letter no. 215 dated 14.10.2022, the copy of which has been marked as Annexure- C to the counter affidavit. So far the amount under the head of GPF, GIS and leave encashment are concerned, the same has also been paid to the petitioner. He further submits that with regard to the claim of the MACP, folder file of the petitioner has been sent to the Civil Surgeon-cum-Chief Medical Officer, Vaishali at Hajipur vide letter no. 154 dated 30.07.2022 for taking necessary action.



5. At this stage, learned counsel for the petitioner submits that irrespective of the fact that necessary papers along with the service book of the petitioner has been sent to the office of Civil Surgeon-cum-Chief Medical Officer, Vaishali at Hajipur, but till date no order has been passed with regard to the payment of admissible MACP, despite lapse of one year. He further submits that there are still certain claims survived in relation to the salary for certain periods, which has not been accorded to the petitioner till date.

6. Having regard to the submissions made on behalf of the parties and taking note of the averments made in the counter affidavit, the present writ petition stands disposed of with a direction to the Civil Surgeon-cum-Chief Medical Officer, Vaishali at Hajipur to take necessary action in the matter of claim of MACP of the petitioner preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

7. The petitioner is further at liberty to file a representation before the Civil Surgeon-cum-Chief Medical Officer, Vaishali at Hajipur in respect to his surviving claims within a period of four weeks from today.

8. If such representation is filed by the petitioner,



the same shall be considered and disposed of within the similar period of eight weeks.

9. Accordingly, the present writ petition stands disposed of with the aforesaid direction.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.11.2023
Transmission Date	NA

