

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5053 of 2022

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Arun Kumar Singh S/o Sri K.P. Singh Resident of Ashiana Road, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development and Housing Department, Government of Bihar, New Secretariat Building, Patna.
2. The Principal Accountant General (A and E), Bihar, Patna.
3. The Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Patna Municipal Corporation through its Municipal Commissioner, having its office at Maurya Lok Complex, Buddha Marg, Patna-1.
5. The Treasury Officer, Vikas Bhawan, Patna-1.
6. The Director, Group Provident Fund, Pant Bhawan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bishwajeet Kumar, Adv.
For the PMC	:	Mr. Ranjeet Kumar Pandey, Adv.
For the State	:	Mr. Shiv Kumar, AC to GA 3
For the Accountant General	:	Mr. Arun Kumar Arun, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 20-08-2024

Heard Mr. Bishwajeet Kumar, learned Advocate for the petitioner and Mr. Shiv Kumar, learned Advocate for the State. Mr. Ranjeet Kumar Pandey, learned Advocate for the Patna Municipal Corporation and Mr. Arun Kumar Arun, learned Advocate for the Accountant General are also present.

2. The petitioner being superannuated on 30.09.2020 from the post of Executive Engineer, Rural Works Department has preferred the present writ petition seeking a direction upon the respondent authorities to ensure payment of all his retiral



benefits and other dues including arrears of salary for the period mentioned in paragraph no. 1 thereof.

3. Learned Advocate for the petitioner fairly contended that during the pendency of the writ petition all the substantive retiral benefits and other dues have been paid to the petitioner, except the interest over the delayed payment. It is further contended that the petitioner superannuated on 30.09.2020 but the actual payment under the head of retiral benefits was accorded to him on 25.05.2021; Thus the petitioner is entitled to at least statutory interest over the period for 237 days. Further, there is gross error in the calculation of GPF amount as the GPF amount paid by the respondent is only Rs. 28,54,785/-, whereas its actual calculation comes to Rs.29,13,730.36, as such the petitioner is entitled for the remaining amount along with interest. It is also the contention of the petitioner that while the petitioner was working as an Executive Engineer in the Rural Works Department he has been deputed to the Patna Municipal Corporation, where he remained for the period from 15.09.2018 to 03.07.2020. Despite the fact that the petitioner was allowed the pay scale of Level-13 with effect from 13.05.2018 vide Government Circular/Letter dated 20.11.2019, copy of which is also placed on record as Annexure-12 to the supplementary



counter affidavit, the petitioner has been accorded the salary in the pay scale of Level-12 for the period he remained in the Municipal Corporation; is the contention of the learned Advocate for the petitioner.

4. Learned Advocate for the Patna Municipal Corporation countering the submission of the petitioner contended that in the entire writ petition there is no whisper with regard to less payment of salary than the admissible pay of the petitioner and for the first time this point has been raised by filing a supplementary affidavit. However, he fairly submitted that if the petitioner has any grievance he may file a representation before the Municipal Commissioner, Patna Municipal Corporation, who shall examine and consider the grievance of the petitioner and pass an appropriate order, preferably within a period of eight weeks.

5. This Court also finds that the another claim of the petitioner is confined to calculation of the GPF amount, this Court gives liberty to the petitioner to file a representation before the respondent no. 6 along with his calculation chart, who shall also verify the claim of the petitioner and after proper examination dispose of the same, preferably within a period of eight weeks from the date of receipt/production of a copy of this



order. Needless to observe that if the claim of the petitioner finds favour necessary payment shall be made to him.

6. So far the grievance of the petitioner for the interest over the delayed payment is concerned, the petitioner is at liberty to raise this claim before the respondent no. 3, who shall consider the same and pass appropriate order.

7. The writ petition stands disposed of.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	27.08.2024
Transmission Date	

