

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9276 of 2020

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Kameshwar Jha son of Late Bisheshwar Jha resident of Village- Singhia, Post Office and Police Station- Singhia, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Administrative Reforms Department, Govt. of Bihar, Patna.
2. The Accountant General, Bihar, Patna.
3. The Commissioner, Darbhanga Division, Darbhanga.
4. The Collector-cum- District Magistrate, Samastipur, District- Samastipur.
5. The Additional Collector, Samastipur, District- Samastipur.
6. The Sub- Divisional Officer, Rosera, District- Samastipur.
7. The Deputy Collector, Land Reforms, Rosera, District- Samastipur.
8. The Circle Officer, Pusa Anchal, District- Samastipur.
9. The Circle Officer, Bithan Anchal, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikram Singh, Adv.
For the Respondent/s : Mr. Navneet Kumar

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

13 02-01-2024

Heard the parties.

2. In compliance of the order of this Court dated 05.12.2023, a supplementary counter affidavit on behalf of respondent no.4 has been filed and the same is taken on record.

3. It is submitted on behalf of the respondent/State that during the pendency of the writ petition, the substantive



amount towards retiral benefit has already been accorded to the petitioner. So far the fixation of pension on lower scale and non-allowance of the benefit under the Assured Career Progression Scheme are concerned, it is submitted that the meeting of the District Level Screening Committee is scheduled to be held on 23.01.2024, in which the present matter shall be placed and after decision of the District Level Screening Committee, the answering deponent would take proper action to provide the ACP to the writ petitioner in accordance with law.

4. So far the plea of the petitioner with regard to the deduction of an amount of Rs. 67,200/- from his pensionary benefits is concerned, learned counsel for the State, submits that during the service period of the writ petitioner, he had taken Rs. 5,73,200/- as advanced to distribute flood relief. However, after distribution of the flood relief, the petitioner had only submitted vouchers of Rs. 5,0,6000/- and thus Rs. 62,414/- had been deducted and Rs. 4,786/- had been adjusted by the writ petitioner in cash.

5. He next submits that so far the pay fixation is concerned, it is pointed out that the petitioner is entitled to get Rs. 97,356/- and in this regard, the Circle Officer, Bithan had already issued sanctioned letters bearing numbers 1418, 1419



and 1420 all dated 30.12.2023 and the Bills have been submitted to the Treasury Officer, Samastipur for necessary payment. He lastly submits that so far the security money of Rs.500/- is concerned, there is no evidence adduced by the writ petitioner, and as such, it is very difficult to consider the same.

6. Considering the averments made in the supplementary counter affidavit filed on behalf of respondent no.4, the present writ petition stands disposed of with a direction to the respondents to ensure the compliance of the decision of the District Level Screening Committee, which shall be held on 23.01.2024 as also to ensure the payment of Rs. 97,356/-, preferably within a period of six weeks from today. It is also made clear that material facts and the necessary papers have been brought on record that the petitioner was directed to furnish a bond of Rs.500/- at the time of his appointment and there is categorical assertion of the petitioner that he had submitted the bond, which fact has not been denied by the answering respondents. In view thereof, the respondent(s) is also obliged to ensure payment of the same within the aforementioned period.

7. Needless to observe that if the petitioner has still any grievance, he would be at liberty to file proper



representation before the competent authority, who shall consider the same and pass a final order.

(Harish Kumar, J)

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