IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6817 of 2023

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Subhuk Lal Yadav S/o Late Sonu Mahto, Resident of Mohalla- Narat Khani Champanagar, P.O. Champanagar, P.S. Nathnagar, District Bhagalpur.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Human Resources Development Department, Bihar, Patna.
2. The Director, Secondary Education, Bihar, Patna.
3. The Joint Director Secondary Education, Bihar, Patna.
4. The Accountant General, Bihar, Patna.
5. District Education Officer, Banka.
6. District Education Officer, Bhagalpur.
7. District Education Officer, Munger.
8. The District Programme Officer (Establishment), Munger.
9. Treasury Officer, Munger.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Pravina Kumari, Advocate
For the Respondent/s	:	Mr. Madhukar Mishra, AC to SC-16
For the A.G.	:	Mr. Chaitanya Swaroop, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

10 06-02-2024 Heard Ms. Pravina Kumari, learned counsel appearing on behalf of the petitioner and Mr. Madhukar Mishra, learned counsel for the State. Mr. Chaitanya Swaroop, learned counsel representing the Accountant General, Bihar, Patna.

2. The petitioner who superannuated on 31.07.2010 from the post of Assistant Teacher, has filed the present writ petition seeking a direction upon the respondents to ensure payment of all the admissible amount on account of revision of pension and other retiral dues, including arrears of pension and

gratuity with statutory interest, on the basis of continuity in service from 04.04.1973 to 09.04.1983.

3. In compliance with the order of this Court dated 02.01.2024, counter affidavit as well as supplementary counter affidavit has been filed.

4. Learned counsel for the State by referring to the statements made in the supplementary counter affidavit has submitted that the office of the Accountant General(A & E) Bihar issued an authority slip, in respect of revised pension of the petitioner vide P.P.O. No. 201011052792PI dated 09.10.2023 showing the details given therein.

5. He next submitted that since the petitioner superannuated on 31.07.2010 from P.D. High School Nayagaon, Jamalpur, Munger, he is entitled for the benefit of MACP from 04.03.2014, as his twenty years of service has completed on 01.01.2009, vide memo no. 11 dated 01.01.2019 alongwith letter no. 35(H) dated 22.01.2024.

6. At this juncture, learned counsel for the petitioner while refuting the contention of the State, submitted that from the chart showing the entitlement of the petitioner in letter no. 35(H) dated 22.01.2024 it appears that only Rs. 5,03,030/- has been paid under the head of gratuity and the remaining admissible amount

is yet to be paid by the Accountant General on the basis of revised authority slip and similarly arrears of pension on account of the revision as noted hereinabove is also required to be paid but the same has not been done till date.

7. Considering the limited grievance of the petitioner, this Court directs the Accountant General, Bihar to consider the claim of the petitioner on the basis of the materials available on record and ensure the remaining admissible due amount alongwith the statutory interest under the head of gratuity and arrears of pension, if found payable, preferably within a period of 8 weeks from the date of receipt/production of the copy of this order.

8. In view thereof, the present writ petition stands disposed of with the aforesaid direction.

(Harish Kumar, J)

supratim/-

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