

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9751 of 2023

Krishna Kanhaiya Ram S/O Late Sheo Tahal Ram, Resident of Mohalla-Kahar Toli, New Yarpur, P.S- Gardanibagh, District- Patna, Presently retired as Upper Division Clerk, Education Department, Secretariat, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary.
2. The Principal Secretary, Department of Education, Govt. Of Bihar, Patna.
3. The Director (Administration)-cum- Additional Secretary, Department of Education, Govt. Of Bihar, Patna.
4. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
5. The Principal Secretary, Department of Finance, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Subhash Kumar Mishra,
For the Respondent/s	:	Mr. Jai Prabha Kishor, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

6 08-02-2024 Heard Mr. Subhash Kumar Mishra, learned counsel appearing on behalf of the petitioner and Mr. Jai Prabha Kishor, learned counsel for the State.

2. The petitioner who superannuated way back in the year 2016 from the post of Upper Division Clerk, has filed the writ petition, seeking a direction upon the concerned respondent authorities to ensure all the retiral benefits including full pension, gratuity and leave encashment accrued on account of fixation of salary, after giving benefit of ACP and other consequential monetary benefit.

3. Prayer has also been made for grant of 7th pay revision, besides 10% of the due pension and the gratuity by the department.



4. In compliance with the order of this Court a supplementary counter affidavit has been filed on behalf of respondent no. 2 and 3.

5. It is submitted that the Department of Education, Government of Bihar is taking sincere steps in ensuring the consequential benefits consequent to grant of first ACP with effect from 18.12.2009 in the pay scale of Rs. 5,500 – Rs. 9,000/-(unrevised).

6. Subsequently, the department vide memo no. 2367 dated 26.12.2023 has determined the pay fixation of the petitioner and sent it to the Finance Department, Government of Bihar for obtaining necessary approval, however during course of consideration, the Finance Department, Government of Bihar found certain anomaly in determination/fixation of pay of the petitioner and returned the proposal to the Education Department for removal of anomaly.

7. In response thereto, learned counsel for the State further submits, vide departmental memo no. 72 dated 09.01.2024, the pay fixation of the petitioner has been redetermined in the light of the query made by the Finance Department and the concerned file has again with sent to the Finance Department for its approval.

8. He thus submits that as soon as necessary approval



of Finance Department is obtained, the pensionary benefits of petitioner will also be revised on priority basis, which includes the balance amount of remaining 10% of pension and gratuity.

9. For the said purpose the concerned respondent also prayed for atleast 4 weeks time, so that the left over admissible retiral benefits plus consequential benefits may be paid to the petitioner.

10. Considering the submissions advanced on behalf of the parties and the request of the concerned respondent, the present writ petition stands disposed of with a direction to the respondent no. 2 and 3 to ensure payment of all the admissible retiral benefits/ consequential benefits consequent to the grant of the financial progression, alongwith the balance due amount of pension and gratuity preferably within a period of 4 weeks from the date of receipt/production of a copy of this order.

11. Needless to observe that any defiance of the order shall be dealt with sternly, if the same is brought to the notice of this Court in future.

12. This disposes the writ petition.

(Harish Kumar, J)

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