

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3290 of 2021

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Shobha Nand Mishra S/o Late Baijnath Mishra Resident of Village- Saurath
(North Tola), P.S.- Rahika, District- Madhubani, Retired as Head Clerk,
Western Koshi Canal Division, Rahika, Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Water Resources Department, Patna.
4. The Chief Engineer, Water Resources Department, Darbhanga.
5. The Superintending Engineer, Western Koshi Canal, Anchal Madhubani.
6. The Executive Engineer, Irrigation Mechanical Division, Water Resources Department, Saran at Chhapra.
7. The Accountant General, Bir Chand Patel Patha, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Anju Jha, Advocate
For the Respondent/s	:	Mr. Anjani Kumar, AAG-4
		Mr. Sanjay Prasad, AC to AAG-4
For the AG	:	Mr. Arun Kumar Arun, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

10 03-09-2024 Heard Ms. Anju Jha, learned Advocate for the

petitioner, Mr. Sanjay Prasad, learned Advocate for the State and

Mr. Arun Kumar Arun, learned Advocate for the Accountant

General, Bihar, Patna.

2. The petitioner superannuated on 29.02.2024 from

the post of Head Clerk of Western Koshi Canal Division, Rahika

(Madhubani) after successful completion of more than 33 years,

has preferred the present writ petition seeking a direction upon



the respondent to revise all the retiral dues including gratuity and leave encashment on account of grant of second ACP already granted to the petitioner with effect from 09.08.1999. The petitioner also prays for revision of his pension in view of the implementation of 7th Pay Revision by the State Government with effect from 01.01.2016 in terms of the resolution of the State Government dated 20.10.2017.

3. A counter affidavit has been filed on behalf of respondent no. 1 to 6. Referring to the averments made in the counter affidavit, learned Advocate for the State contended that all the post retiral dues have been paid to the petitioner. It is further contended that the petitioner has also been accorded the benefit under the second ACP vide memo no. 3201, dated 18.09.2006 with effect from 09.08.1999.

4. Pursuant thereto, vide office order contained in letter no. 168, dated 17.03.2021, the pay fixation of the petitioner has been made by the Executive Engineer, Irrigation Mechanical Division, Chapra. Subsequent thereto, vide letter no. 171 dated 18.03.2021 the Executive Engineer, Irrigation Mechanical Division, Chapra sent the details of pay fixation of the petitioner, as well as, original service book of the petitioner to the District Accounts Officer, Saran Chapra for its



verification. The verification has already been done and the necessary papers have been returned to the department.

5. On being satisfied vide office order contained in letter no. 210, dated 09.04.2021, request has been made to the Accountant General Bihar for revision of pension and gratuity on the basis of revised pay fixation of the petitioner.

6. The counter affidavit filed on behalf of respondent no. 7 (the Accountant General, Bihar, Patna) reveals that the pensionary benefit of the petitioner has been revised by office authority letter dated 23.06.2021.

7. There is no response to the averments made in the counter affidavits on behalf of the petitioner.

8. Learned Advocate for the petitioner though contended that the petitioner is a person aged about 80 years and inspite of her best effort, she could not contact.

9. Having heard the learned Advocate for the respective parties and considering the averments made in the counter affidavit, this Court is satisfied that the petitioner has already been accorded the revised pension after according the benefit of second ACP.

9. The writ petition stands closed, however with a liberty to the petitioner that if any of the grievance has not been



redressed till date, he has the remedy to approach before the competent authority by filing an appropriate application. In case any application is filed, the concerned respondent shall consider the same and pass necessary order.

(Harish Kumar, J)

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