

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18521 of 2022

Manik Chand Das S/o Late Dukhi Das R/o- Mohalla- Gulabagh, Naya Tola,
P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Director Primary Education, Govt. of Bihar, Patna.
2. District Education Officer, Patna.
3. District Programme Officer, (Establishment), Patna.
4. Headmaster Chinha Middle School, Athmalgola, Patna.
5. Accountant General (A.G.) Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Harendra Kumar Tiwary, Adv. Mr. Devendra Prasad Singh, Adv.
For the Respondent/s	:	Mr. Madhaw Pd. Yadaw (GP23) with Ms. Meera Singh, AC to GP 23
For the A.G., Bihar	:	Mr. Ram Yash Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 05-02-2024

Heard Mr. Devendra Prasad Singh, learned counsel appearing on behalf of the petitioner and Mr. Madhaw Prasad Yadaw, learned Government Pleader No. 23 for the State. Mr. Ram Yash Singh, learned counsel for the Accountant General is present.

2. The petitioner, who superannuated on 30.06.2021 from the post of Assistant Teacher, Upgraded Middle School, Bahadurpur, Athmalgola, Patna, has filed the present writ petition seeking a direction upon the respondents to ensure payment of all the monetary benefits of 2nd Time Bound Promotion with interest.

3. It is submitted on behalf of the petitioner that he



was initially appointed as Assistant Teacher on 21.04.1988 and in course of time, the petitioner was accorded the benefit of 1st Time Bound Promotion with effect from 21.04.2000 and accordingly pay fixation was made. It is the case of the petitioner that later on vide office order dated 09.01.2020 as contained in Memo No. 282 dated 11.01.2020, the 2nd Time Bound Promotion has been granted to the petitioner with effect from 21.04.2012 by the District Education Officer, Patna, the copy of which has been brought on record by way of Anneuxre-1 to the I.A. No. 1 of 2023. Referring to the aforementioned order granting 2nd Time Bound Promotion, it is vehemently submitted that despite the order of 2nd Time Bound Promotion issued by the District Education Officer, Patna, till date the petitioner has not been accorded the arrears of difference of salary on account of 2nd Time Bound Promotion with effect from 21.04.2012 to 01.01.2020, along with the statutory interest.

4. He further submits that surprisingly taking note of the 2nd Time Bound Promotion, the pay scale of the petitioner was revised and he has been paid the revised salary from 01.01.2020, but again on account of some mistake, he has been paid old unrevised salary for the month of April to July, 2020. However, this mistake has been rectified with effect from



August 2020. Thus, he also prayed for arrears of difference of salary for the period noted hereinabove.

5. Needless to observe that the matter is pending since 2022 and despite the direction given to the concerned respondents to ensure filing of the counter affidavit, till date there is no counter affidavit as such.

6. Considering the nature of the grievance and the fact that the petitioner had already been accorded the 2nd Time Bound Promotion, vide Memo No. 282 dated 11.01.2020 by the District Education Officer, Patna, this Court directs the District Education Officer, Patna to ensure the payment of all the admissible arrears of difference of salary on account of 2nd Time Bound Promotion as accorded to the petitioner, preferably within a period of eight weeks from the date of receipt/production of a copy of this order, failing which the respondent-authorities shall ensure payment of 8% interest over the delayed payment till the actual payment is made.

7. This disposes the writ petition.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.02.2024
Transmission Date	

