

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8940 of 2019

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Sri Krishna Kishore S/o Sri Chandradeo Prasad Sinha, Resident of Mohalla-Madhopur Naya Tola, P.O. Basdeopur, P.S Kotwali, District- Munger, Presently Posted as Instructor, Vocational Education, G.A. High School, Hajipur, Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary Home Special Department, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Old Secretariat, Patna.
4. The Principal Secretary, Education Department, Vikash Bhawan, New Secretary, Patna.
5. The Director, Secondary, Education, Education Department, Government of Bihar, Patna.
6. The State of Jharkhand through the Chief Secretary, Government of Jharkhand, Ranchi.
7. The Principal Secretary, Finance Department, Government of Jharkhand, Ranchi.
8. The Principal Secretary, Education Department, Government of Jharkhand, Ranchi.
9. The Director, Secondary Education, Education Department, Government Jharkhand, Ranchi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Mishra, Adv.
For the State	:	Smt. Shilpa Singh (GA-12), Mr. Apurva Kumar, AC to GA-12
For State of Jharkhand	:	Mr. Sanjay Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

11 08-09-2025 Heard learned counsel for the petitioner, learned counsel for the State of Bihar and learned counsel for the State of Jharkhand.

2. This petition has been filed for the following



reliefs:-

“(i) For direction upon the respondents authorities for making payment of dues salary from 21.10.2011 to 27.06.2012 i.e. 8 months 8 days total amounting to Rs.302037/- (Rupees Three Lacs Two Thousand Thirty Seven Only) for the period the petitioner was kept under waiting for posting in the Directorate, Secondary Education, Jharkhand, Ranchi.

(ii) For direction upon the respondents authorities to pay difference of transport allowance from January 2010 to November 2010 total amounting to Rs.3300/- (Rupees Three Thousand Three Hundred only) as the same has been paid at initial rate i.e. Rs.400/- per month whereas the petitioner is legally entitled for the same at the revised rate of Rs.700/- per month w.e.f. 01.01.2010 in the light of the resolution no. 7040 dated 29.07.2011 issued by the Finance Department, Government of Bihar.

iii) For direction upon the respondents authorities to pay dues transport allowance for the period from December 2010 to 20th October 2011 and from July 2012 to September 2012 total amounting to Rs.9552/-. (Rupees Nine Thousand Five Hundred Fifty Two only).

(iv) For direction to the authorities concern to make payment of D.A. arrear for the month of January 2015 and February 2015 total amounting to Rs.148/-. (Rupees One Hundred Forty Eight only).



(v) For direction upon the respondents to grant and pay the benefits of 1st ACP and 2nd MACP to the petitioner.

(vi) The petitioner also prays before this Hon'ble Court for direction to the respondents for making payment of the aforesaid dues amount with interest due to delayed payment and any other relief or reliefs be granted to the petitioner for which the petitioner is found legally entitled."

3. Learned counsel for the petitioner submits that during pendency of the instant writ petition, the respondent State of Bihar has decided the claim and accordingly, the amount of salary has been paid in favour of the petitioner, for the period the petitioner was allowed to remain waiting for posting along with that certain Dearness Allowance, which were also pending that has also been paid, which would find support from paragraph 10 of the counter affidavit (Reply to I.A. No. 01 of 2025) on behalf of respondent no. 4 and 5.

"10. It is pertinent to point out at this juncture that the District Programme Officer (Establishment), Patna has apprised vide letter no. 792, dated 07.02.2025 to the effect that the payment of Dearness Allowance of the petitioner for the period January-February, 2023 and the arrears of



salary for the period 21.10.2011 to 27.06.2012 has been made on 07.02.2025.”

4. At this stage, learned counsel for the petitioner submits that since amount has been paid but delayed interest over the said amount has not been calculated which was not paid for 13 years, but lastly on the intervention of the Court, the said amount has been paid.

5. Learned counsel for the State submits that the period under dispute, pertained to the erstwhile State of Bihar, which is now State of Jharkhand and, therefore, after obtaining all necessary papers and other ancillary documents, this decision could have been possible and finally the Competent Authority has come out with such orders ensuring payment of amount with respect to the Dearness Allowance and period of posting.

6. Be that as it may, learned counsel for the petitioner is directed to take steps by making a representation in this behalf explaining all factual position which led to delay by appending the circular if any, which the State Government themselves have come out for addressing the issues of similar type.

7. The petitioner is directed to submit such representation annexing all such supportive materials, and on



such submission of representations, the same shall be considered by the Authorities competent in law, within a period of eight weeks from the date of production of a copy of this order, by passing a reasoned and speaking order.

8. Accordingly, the instant writ petition is disposed of.

(Ajit Kumar, J)

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