

Majeshwar Prasad Vs. the State of Bihar and ors

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Court : Patna

Decided On : May-12-2012

Appellant : Majeshwar Prasad

Respondent : The State of Bihar and ors

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Civil Writ Jurisdiction Case No.1502 of 2009 Majeshwar Prasad son of Late Ram Charan Prasad Mandal, resident of village and P.O. Auria Barahat P.S. Barahat, Banka Petitioner Versus 1. The State Of Bihar 2. Director Primary Education, Bihar New Secretariat, Patna 3. District Magistrate, Banka 4. District Superintendent of Education, Banka 5. Block Education Extension Officer, Banka 6. Education Area Officer, Banka 7. District Treasury Officer, Banka 8. Head Master, Adarsh Lalit Girishwar Madhya Vidyalaya, Banka Respondents ----- For the petitioner :Mr. Jai Ram Singh For the Respondent :A.C. to G.P.3 ----- 02. 12.01.2012 Heard learned counsel for the petitioner and learned A.C. to G.P.3 for the State. Petitioner having superannuated as Assistant Teacher with effect from 31.01.2008 filed the present writ application for payment of his post retiral dues. There is no dispute that when the application was lodged the petitioner was only in receipt of the amount payable under group insurance. A counter affidavit has been filed on behalf of respondent no.4. Paragraph 6 and 7 of the same read as under:- 6. That it is submitted that an authority of Pension payment order has been issued by the office of the Accountant General, Bihar, Patna vide P.P.O. No. 201011121187: dated 4-2-2010.

7. That it is submitted that an amount to Rs.3162.00 against the enhanced D.A. for the period January 95 to February 2006, Rs. 36925.00 against the Difference of pay due to revised pay for 2 the period April 1997 to November 2000, Rs.4263.00 pay for the month of February 1999, Rs.7928.00 pay for the month of March 1999 and Rs.30086.00 dues amount for the period 19.-5-2009 in Account No. 11477187370 of S.B.I. Bank Branch. Learned counsel for the petitioner submits that petitioner would also be entitled to interest as per the circular/decision of the Government since there has been inordinate delay on the part of the respondents in authorizing payment of admissible dues to the petitioner, particularly when there was no laches on the part of the petitioner. It is next contended that he would also be entitled to payment of enhanced D.A. till 31.01.2008, i.e. the date of his retirement. Learned counsel submits that petitioner would be satisfied if for other remaining grievance(s) he is permitted to represent the matter before the District Superintendent of Education (respondent no.4) who may be directed to consider and dispose of the same in accordance with law by a reasoned order. It appears that the respondents have already authorized admissible amount payable to the petitioner. The stand of the petitioner is that he would be entitled to interest on delayed payment as per the circular of the Government. It is also the contention of the petitioner that he would be entitled to payment of enhanced D.A. against the difference of pay owing to revision thereof till January, 2008. Considering the stand of the petitioner, this Court is 3 inclined to dispose of the writ petition by the following order:- Let the petitioner file a representation along with a copy of the present order before the District Superintendent of Education (respondent no.4) now re-designated as District Education Officer with respect to the remaining grievance(s) within four weeks whereafter the said respondent shall examine the aforesaid claim(s) of the petitioner and dispose of the same in accordance with law as quickly as possible preferably within three months of its filing/presentation. If the order disposing of the representation admits any of the claim(s) of the petitioner, needless to observe that the same shall also be authorized in his favour within one moth thereafter. HR (K.K. Mandal, J.)