

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1750 of 2021

Pratima Singh Wife of Shri Parmanand Pandey Resident of Mohalla-
Laxminarayan Nagar, P.O.- R.K. Ashram Bela, P.S.- Mithanpura, District-
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
3. The Accountant General, Government of Bihar, Patna.
4. The Director, Provident Fund, Bihar, Patna.
5. The District Magistrate, Banka.
6. The District Programme Officer, Banka.
7. The District Provident Fund Officer, Bhagalpur.
8. The Senior Account Officer, Office of Accountant General (A and E), Bihar, Patna.
9. The Special Secretary, Department of Social Welfare, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vagisha Pragya Vacaknavi
For the Respondent/s : Mr. Prashant Pratap, GP-2

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 24-01-2022

The matter is heard via video conferencing due to
circumstances prevailing on account of the COVID-19
pandemic.

2. State counsel accept notice for respondents.

3. In the instant petition, petitioner has prayed for
following reliefs:-



“1. That this is a writ petition on behalf of the Petitioner for issuance of a writ of *mandamus* or writs in the nature thereof or any other appropriate writs/orders/directions for commanding the respondents for payment of following pre retirement legal monetary dues to the petitioner with interest:-

(a) to make payment of arrears of monthly salary for the period of 3rd November 2005 to 16th November 2006 as well as the monthly salary of December 2012 and January 2013,

(b) to make payment of difference of arrears of salary from 1.4.2007 to 30.12.2008 as per the report of the 6th Pay Commission amounting to Rs. 11983/-,

(c) to make payment of arrears of difference of monthly salary to be calculated on the basis of pay scale of MACP to be commenced from 9.8.2009 under the new scheme of 2010 made applicable from 1.1.2009,

(d) to make payment of T.A. for the financial year 2010-11 and 2011-12 amounting to Rs. 15,400/- only,

(e) to make payment of interest @ 18 % p.a. over illegally withheld amount of Rs. 1,83,450/- which is arrears of salary from February 2005 to 2nd November 2005.”

4. Grievance of the petitioner is pending consideration before the competent authority.

5. Therefore, the competent authority is hereby directed to redress the grievance of the petitioner within a period



of four months from the date of receipt of this order. If the petitioner is not entitled to any benefits, in that event, necessary speaking order shall be passed and communicated to the petitioner. If the petitioner is entitled for benefits in that event arrears shall be calculated along with interest @ 6% p.a. on arrears of pay and shall be disbursed in the light of the Apex Court's decision in the case of *Vijay L. Mehrotra Vs. State of U.P. & Ors.* reported in *(2001) 9 Supreme Court Cases 687*.

6. With the above observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

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CAV DATE	
Uploading Date	
Transmission Date	

