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IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil Writ Jurisdiction)

C.W.J.C. No. of 2012

Rajendra Jha

... Petitioner

Versus

The State of Bihar & Others

... Respondents

Subject : _____

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(Civil Writ Jurisdiction)

C.W.J.C. No. of 2012

Rajendra Jha ... Petitioner

Versus

The State of Bihar & Others ... Respondents

SYNOPSIS/LIST OF DATES

SYNOPSIS

The instant application is directed for issuance of writ mandamus, commanding the respondents to grant the petitioner GPF and further payment of the arrears of the difference of salary from 2006 till the date of retirement on account of the implementation of 6th Pay Commission recommendation along with 18% penal interest on the said arrear from the date of its accrual till the date of its payment to the petitioner.

LIST OF DATES

Petitioner was a constable in District Police Force Madhepura and he retired on 31.05.2011 as Constable from the Office of Superintendent of Police Madhepura.

Petitioner was appointed as Constable in the District Police Force Madhepura, and remained there till his retirement.

15.03.2012 Petitioner earned his entitlement and were paid but from 2006 to till date the basic difference of salary after implementation of Sixth Pay Commission has not been paid. The Petitioner further has not been paid GPF at the time of his retirement to till date. The Petitioner has written letter regarding the same but no action has been taken till date.

Thus the necessity of the present writ petition.

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DEPARTMENT OF POST
BIHAR CIRCLES

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AUTH NO. 3185 DT. 16/12/2008

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IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil Writ Jurisdiction)

C.W.J.C. No. of 2012

In the matter of an application
under Article 226 of the
Constitution of India ;

AND

In the matter of :

RAJENDRA JHA S/o Late Shri Bhudev Jha, resident of Katora, P.O. -
Dhanaura, P.S. - Kahalgaon, District - Bhagalpur.

... Petitioner

Versus

1. The State of Bihar.
2. The Superintendent of Police, Madhepura.
3. The District Provident Fund Officer, Madhepura.

... Respondents

To,

The Hon'ble Ms Justice Rekha M. Doshit, the Chief Justice of the
High Court of Judicature at Patna and her companion justices of
the said Hon'ble Court.

The humbler petition on behalf
of the petitioner named above.

MOST RESPECTFULLY SHEWETH :

1. That the instant application is directed for issuance of writ mandamus, commanding the respondents to grant the petitioner GPF and further payment of the arrears of the difference of salary from 2006 till the date of retirement on account of the implementation of 6th Pay Commission recommendation along with 18% penal interest on the said arrear from the date of its accrual till the date of its payment to the petitioner.
2. That the present case is maintainable on the following main grounds :-
 - (i) For that by not giving the rightful GPF along with arrears of the difference of salary from 2006 till the date of Retirement, respondent authorities have seriously infringed upon the petitioner's fundamental right as enshrined in Article 14 and 16 of the Constitution of India.
 - (ii) For that due to the laches of the respondent authorities in granting the GPF as well as the arrears of the difference of salary from 2006 till the date of retirement the Petitioner has suffered a loss of time, energy and money in pursuing the same.

3. That the petitioner is a citizen of India and resides within the territorial jurisdiction of this Hon'ble Court.
4. That the Petitioner was a constable in District police Force Madhepura and he retired on 31.05.2011 as Constable from the Office of Superintendent of Police Madhepura.
5. That the Petitioner was appointed as Constable in the District police Force Madhepura, and remained there till his retirement.
6. That subsequently the service of the Petitioner has held the post of constable for the period of thirty five years and eleven months.
7. That it is stated that the Petitioner earned his entitlement and were paid but from 2006 to till date the basic difference of salary after implementation of Sixth Pay Commission has not been paid. The Petitioner further has not been paid GPF at the time of his retirement to till date. The Petitioner has written letter regarding the same but no action has been taken till date.

Copy of the letter dated
15.3.2012 is hereby annexed as
Annexure - 1 to this petition.

8. That the Petitioner ran from pillar to post for GPF and arrear of difference of salary but no steps were taken till today.

9. That inspite of best efforts and recommendations the Petitioner has not yet received any response with regard to GPF and arrear of difference of salary.
10. That the Petitioner has no other speedy and efficacious remedy than to move this Hon'ble Court under its extra ordinary equitable jurisdiction.
11. That the Petitioner has not moved for the instant relief before this Hon'ble Court herein before.

It is, therefore, humbly prayed that Your Lordships may graciously be pleased to issue Rule NISI calling upon the respondents to show cause as to why the prayer made in paragraph 1 of this application be not allowed and on return of the Rule and after hearing the parties make the Rule absolute ;

And/or

Pass such other order(s) as your Lordships may deem fit and proper.

And for this, the petitioner shall ever pray.

AFFIDAVIT

I, Rajendra Jha aged about 61 years son of Late Shri Bhudev Jha, resident of at Katora, P.O. - Dhanaura, P.S.- Kahalgaon, District - Bhagalpur, do hereby solemnly affirm and state as follows :

1. That I am the Petitioner in this case and as such I am well acquainted with the facts and circumstances of the case.
2. That I have read the contents of this petition and have fully understood the same and I say that the statements made in paragraphs nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 are true to my knowledge those made in paragraph nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 are true to my information derived from the records of the case and the rest are by way of submissions before this Hon'ble Court.
3. That the Annexure(s) are true/photo copies of their respective originals.

सेवा में,

श्रीमान् आरक्षी अधीक्षक महोदय,
मधेपुरा।

विषय:- भविष्य निधि एवं छठे वेतन पुनरीक्षण का बढ़ा हुआ राशि 2006 से 2011 तक का भुगतान के संबंध में।

महाशय,

सविनय निवेदन है कि मैं राजेन्द्र झा, सिपाही/123 मधेपुरा जिला बल में कार्यरत था। मैं अपने 35 वर्ष 10 माह सेवाकाल का योगदान दिया। महाशय मुझे अभी तक GPF एवं 2006 से छठा वेतन की वृद्धि अभी तक नहीं दिया गया है। मैं 31.5.2011 को सेवा निवृत्त हो गया हूँ।

सेवानिवृत्त की तिथि से अभी तक मुझे GPF एवं छठा वेतन वृद्धि जो कि 2006 से दिया जाना है, लंबित है।

महाशय मैं वृद्ध आदमी एवं ज्यादा चलने में असमर्थ हूँ। अतः महोदय से निवेदन है कि इन दोनों से संबंधित राशि भुगतान करने की कृपा की जाये। इसके लिए महाशय का आभारी रहेंगे।

आपका विश्वासी,

ह0 राजेन्द्र झा
सिपाही/123 मधेपुरा जिला बल