

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1201 of 2014

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1. Prabhat Krishna Son Of Late Jagat Narayan Mandal Resident Of - A/48,
Indrapuri Colony, Raza Bazar, P.O. - Bihar Veterinary College, P.S. - Shastrinagar,
District - Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Agriculture Production Commissioner, Agriculture Department,
Government Of Bihar, New Secretariat, Patna
3. The Secretary, Agriculture Department, Bihar, Patna
4. The Director, Agriculture Department Of Agriculture, New Secretariat, Bihar,
Patna
5. The Under Secretary, Department Of Agriculture, New Secretariat, Bihar, Patna
6. The Accountant General, Bihar ,Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SURESH KUMAR

For the Respondent/s : Mr. GP-3 SANTOSH KR.JHA

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 12-02-2015

Heard learned counsel for the petitioner and the State.

Petitioner retired way back in the year 2002. Merely because he keeps approaching the High court, it does not mean that a case will be made out in his favour. The petitioner can only claim the benefit of pension provided he remains in service and provided relevant rules are invoked.

The admitted position is that after 1.1.1996 after the recommendation of 5th Pay Revision Commission the concept of time bound promotion for time scale etc. were abolished. If the respondent

authorities by mistaken understanding of facts or omission decided to take a decision in terms of annexure 6, the same cannot be implemented because an employee can only get what the rules and provisions provide for.

Writ application, therefore, is required to be dismissed without any kind of direction in favour of the petitioner.

(Ajay Kumar Tripathi, J)

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