

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5292 of 2011

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Kumar Shakti Sinha S/O Late Ravineshwar Bahadur Sinha Resident of 15/513
Hanuman Nagar, Kankarbagh, Patna, Police Station- Kankarbagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Human Resources Development Department having his Office At Vikas Bhavan, Police Station- Sachivalaya, District- Patna.
2. The Magadh University through The Registrar having his Office At Bodh Gaya, District- Gaya.
3. The Vice-Chancellor, Magadh University, Bodh Gaya, District- Gaya.
4. The Finance Officer, Magadh University, Bodh Gaya, Gaya.
5. The Principal, B. D. Evening College, Mithapur, Police Station- Jakkanpur, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 27-08-2015

Heard learned counsel for the parties.

In view of the materials brought on record, it is not in dispute that all admitted retiral benefits of the petitioner have been paid except for 45% remaining arrears of pension.

As per the stand of the University, the same were received from the State Government in instalments and remaining 45% arrear of pension has also been received but subject to rider by the Government itself that actual payment to the retired persons be

made only after verification of his pay by the Pay Verification Cell of the State Government.

The Court is unable to appreciate the stand of the State Government by putting a blanket rider in all cases since as far as the petitioner is concerned, upon his retirement, the Special Auditor of the State Government had gone into his entitlement and thereafter he was paid his retiral dues. Once such verification has been made by a Special Auditor of the State Government, it cannot go on insisting for re-verification every time it releases any fund.

Thus, in the facts of the present case, the Court holds that for payment of remaining 45% of arrears of pension, the University shall pay the same to the petitioner without waiting for any re-verification by the Pay Verification Cell of the State Government as the same has already been done earlier by the Special Auditor of the State Government itself.

Accordingly, the writ petition stands disposed off with a direction to the respondents no. 2 and 4 to pay the aforesaid amount within four weeks from the date of production of a copy of this order upon them.

(Ahsanuddin Amanullah, J)

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