

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6927 of 2011

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Triveni Ray, Son of Late Ganga Ray, resident of Village- Hasa Hakpara,
Ward No. 14, Police Station- Saharsa, Disrtrict- Saharsa.

.... Petitioner

Versus

1. The State of Bihar
2. The Accountant General of Bihar, Vir Chand Patel Marg, Patna.
3. The Director General and Inspector General of Police, Bihar, Patna.
4. Deputy Inspector General of Police, Kosi Range, Saharsa.
5. The Superintendent of Police, Saharsa.
6. The Superintendent of Police, Khagaria.

.... Respondents

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Appearance :

For the Petitioner : Mr.

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

12. 15.01.2015

Heard learned counsel for the parties.

The petitioner is aggrieved by non-payment of his full and final pension despite having superannuated on 31.08.2009.

As per the stand of the respondents, due to pendency of criminal and departmental proceeding, final pension has not been paid to the petitioner as provided for in certain Government circulars.

Similar issue has been considered by the Hon'ble Supreme Court in the Case of **State of Jharkhand vs. Jitendra Kumar Srivastava** reported in **2013(3) PLJR (SC) 458** in which it has been held that in absence of any specific rule and only on the basis of Administrative orders/decisions/instructions/circulars, pension cannot be

withheld in such cases.

In view of the aforesaid position, learned counsel for the respondents do not dispute that the law settled, as of now, is in favour of the petitioner.

Accordingly, the application stands disposed off with direction to the respondents to fix and sanction full and final pension of the petitioner including gratuity within four weeks from today. Any payment required to be made on account of arrears shall also be sanctioned within the same period. The order shall be transmitted to the Accountant General, Bihar who shall issue necessary authority slip/payment order within two weeks thereafter. The respondents shall ensure that actual payment is also made to the petitioner within three weeks of the authority letter/payment order being issued by the Accountant General, Bihar. It is made clear that the respondents shall be obliged to consider the plea of the petitioner that he is entitled to payment in the revised scale which has not been done, while undertaking the exercise indicated hereinabove.

(Ahsanuddin Amanullah, J.)

Anand Kr.

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