

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13335 of 2011

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1. Babanji Sahay S/O Late Baijnathji Sahay R/O Vill.-Ahirauli, P.S.-Buxar (Industrial), Distt.-Buxar.

.... Petitioner

Versus

1. The State Of Bihar Through The Secretary-Cum-Commissioner, Health Services, Govt. Of Bihar, Patna.
2. Chief Medical Officer-Cum-Civil Surgeon, Distt.-Sadar Hospital, Kaimur At Bhabhua.
3. Incharge Medical Officer, Bhagwanpur (Rampur Block), Distt.-Kaimur (Bhabhua).
4. Accountant General, Birchand Patel Path, Bihar, Patna.
5. Commissioner, Provident Fund, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate.

For the Respondent/s : Mr. Manoj Kr. Ambasta GP-14

Mr. Sanjay Kumar Pandey, AC to GP-14.

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI
ORAL ORDER

4 21-01-2015

With the help of this application, made under Article 226 of the Constitution of India, the petitioner, who retired, on 31.05.1998, from the post of Family Planning Worker, Health Department, has sought for the issuance of a writ in the nature of mandamus to the respondents for the following reliefs:

- (i) For payment of pension by fixing pension at the rate of Rs. 4590/- instead of Rs.2080/- as per revised pay scale from 01.01.1996 to 31.03.1997 and 01.04.1997 to 31.05.1997, earned leave, commutation of pension etc. to the petitioner along

with statutory interest as well as penal interest at the rate of 18 per cent per annum from the date of retirement.

- (ii) For directing the respondents to make available the details calculation chart to the petitioner.

By filing counter affidavit, the respondents have submitted that petitioner had retired on 31.05.1998 and all his admissible retiral benefits had already been paid to him. As per calculation made by the competent authority, the petitioner's last pay on the date of his retirement was Rs.4,670/- and the R.P.P. was Rs. 1,390/- and on the basis of his last pay, the petitioner's pension was fixed accordingly by the Accountant General, Bihar, Patna, vide P.P.O. No. 290236 (Annexure-A to the counter affidavit). The monetary benefit as per the recommendation of the 5th Pay Revision Commission has already been made available to the petitioner and, that the petitioner had obtained excess amount of Rs. 27,200/- by way of an ex-parte order, dated 07.01.2008, passed in Complaint Case No. 124 of 2004, by District Consumer Forum, Buxar. This fact has been intentionally suppressed by the petitioner in the present writ application.

It is further submitted that the claim made by the petitioner was referred to Accountant General, Bihar, Patna, who,

in turn, refuses to revise the petitioner's pension and returned back the matter vide letter No. Pension-4-597, dated 24.08.2009, observing therein that no amount of the petitioner is due with the respondents.

In view of the above, it is submitted that this writ petition be allowed to be withdrawn with liberty to make necessary correspondence with the office of the Accountant General, Bihar, Patna, and also examine the contention of the respondents.

In view of the above and in the interest of justice, the writ petition is hereby disposed of as withdrawn with liberty granted to the petitioner to approach this Court with appropriate application, in future, if so advised and also to take recourse to such provisions of law as may be permissible.

Mkr./-

(I. A. Ansari, J)

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