

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12549 of 2010

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Ramendra Narain Srivastava, S/o Late Rambujhawan Prasad, R/o Vill Ufraulia,
P.O.Riga, Distt-Sitamarhi, At present residing at Kailashpuri Balhapatti, C/O Sri
Mahendra Thakur, Ward No.10 Nagar Panchayat, Dumra(Sitamarhi Court),
Sitamarhi.

.... Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, The State Of Bihar, Patna
3. The Accountant General Bihar, Patna
4. The Director, Health Services Department, New Secretariat, Bihar, Patna
5. The District Magistrate, Sitamarhi
6. The Civil Surgeon -Cum-Chief Medical Officer, Sitamarhi
7. The District Treasury Officer, Sitamarhi
8. The District Provident Fund Officer, Sitamarhi
9. The Incharge Medical Officer, Primary Health Centre, Bairganja, Sitamarhi

.... Respondents

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Appearance :

For the Petitioner : Mr. Jiwan Prakash Sinha, Adv.
For the Respondents : Mr. Subodh Kumar, A.C. to G.P-14
Mr. Raj Nandan Prasad, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 14-01-2015

The petitioner retired from the service of the
Health Department, State of Bihar, on 31.1.1996. Though he
was extended the retirement benefit, his grievance was that
he was denied the promotion that was due to him. After
prolonged correspondence, the 6th respondent passed an

order on 8.12.2003 taking the view that the petitioner was to be granted time bound promotion from the scale of Rs.1,640/- to that of Rs.2,600/-. The grievance of the petitioner is that the benefit of that order was not extended to him.

Heard Shri Jiwan Prakash Sinha, learned counsel for the petitioner, and Shri Subodh Kumar and Raj Nandan Prasad, learned counsel for the Respondents.

The pension and other benefits of the petitioner were determined on the basis of the last pay drawn at the time of retirement. It is only nearly seven years after the retirement that the 6th respondent issued proceedings holding that the petitioner was entitled to be extended the benefit of time bound promotion.

Though the petitioner cannot be extended the benefit of arrears of salary on that count, he is entitled for the benefit of revision of his pension and retirement benefits on the basis of such notional promotion.

Hence, the writ petition is partly allowed directing the respondents to re-fix the pension and other benefits of the petitioner by taking into account the Annexure-2, issued by the 2nd respondent, within three weeks.

Interlocutory application, if any, stands disposed
of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

K.C.jha/-
NAFR/-

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