

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 19137 of 2011

=====

Sakaldeo Prasad Singh Son of Late Jaganath Sharma Resident of Village Anauli,
P.O. and P.S. Bhagwanganj, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary-cum-Commissioner, Human Resource Department, Government of Bihar.
2. The Director, Secondary Education, Bihar, Patna.
3. The Dy. Director, Secondary Education, Bihar, Patna.
4. The District Education Officer, Patna.
5. The Sub-Divisional Education Officer, Patna.
6. The Head Master, Gokhula Sri Ram Pravesh High School, Anauli, Patna.
7. The Treasury Officer, Patna.
8. The Accountant General, Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Arbind Kumar Singh, Advocate.
For the State	:	Mr. Ajit Pratap Singh, S.C. 15.
		Mr. S. K. Ranjan, A.C. to S.C. 15.
For the Accountant General	:	Mr. Vivekanand Kumar, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 03-12-2015

Heard learned counsel for the parties.

The petitioner has been paid his admitted post
retiral dues except for there being a controversy as to whether
at the time of superannuation his pay would be Rs.11,750/- or
Rs. 10,100/-.

From the materials on record, it appears that
as per the relevant rules the pay of the petitioner has wrongly
been shown as Rs. 11,750/- while recommending for sanction of
pension though it ought to have been Rs. 10,100/-, which is
also reflected from entry in his service book. The Court has
tested the stand of the respondents in light of the various



circulars on the issue, copies of which have been brought on record. After due consideration, the Court does not have any fault in the stand of the respondents. Further, the Court is fortified in its view in the background of the decision rendered by a co-ordinate Bench of this Court in C.W.J.C. No. 4072 of 2007, which was a case filed by the petitioner earlier in which by order dated 26.03.2010 it has been directed that the Education Department shall refix and recalculate the pension and pensionary benefit of the petitioner by counting the service rendered by him with effect from 09.05.1974 until his date of superannuation on 31.10.2005. Thus, in that view of the matter also the action taken by the respondents in conformity with the said order of the Court in terms of which authorization has also been issued by the Accountant General for payment of revised pension and gratuity, no interference is required in the matter.

Accordingly, nothing remains in the writ petition, which stands disposed off.

(Ahsanuddin Amanullah, J.)

Anand Kr.

U		T	
---	--	---	--