

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8815 of 2015

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Ram Naresh, son of late Ram Bilas Bhagat, resident of village Akodhi Tola,
P.S. Akodhi Gola, District Sasaram, Rohtas (Bihar)

.... Petitioner

Versus

1. The State of Bihar
2. The General Manager cum Chief Engineer, Office of the Bihar State Electricity Board, Patna
3. The Director of the Accounts, Bihar State Electricity Board, Patna
4. The Deputy Director of Account, Magadh Area Electricity Board, Gaya
5. The Electrical Executive Engineer, Supply Pramandal, Dehri-on-Sone
6. The Accounts Officer, Electrical Circle, Sasaram, Rohtas
7. The Secretary of Energy Department, Govt. of Bihar

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dhananjayu Kumar Singh, Adv.

For the Respondent State : Mr. B.K.Pandey, AC to SC5

For the respondent Board: Mr. Vijay Kumar Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 26-06-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner had retired in the February 1999 and his commutation was also made way back in the year 2003 vide an order dated 21.02.2003 (Annexure-2), any grievance with regard to the same being now raised after 12 years of the cause of action is definitely a stale matter.

The submission that the petitioner is being subjected to excess recovery is also wholly misconceived and though this writ application is being dismissed only on the ground of delay, it has to be observed that if the commutation of pension of the petitioner was made in the year 2003 by allowing him full pension from

March 1999 to January 2003 the restoration of the commuted value as per the provision in the Bihar Pension Rule can only be made after 15 years. Thus, the grievance of the petitioner as with regard to excess recovery of commuted value is also wholly misconceived.

Thus for the reasons indicated above, this application must fail and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

surendra/-

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