

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.843 of 2015

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Bindeshwari Prasad son of Late Mushram, resident of NIT Campus, P.O. -
Patna University, Police Station- Pirbahore, Town AND District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Human Resources Department,
Government of Bihar, Patna.
2. The Patna University through the Registrar, Patna University, Ashok Raj
Path, Patna.
3. The Vice Chancellor, Patna University, Ashok Raj Path, Patna.
4. The Registrar, Patna University, Ashok Raj Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Mohan
For the Respondent/s : Mr. Kumar Pankaj, A.C. to S.C.21.
For the P.U. : Mr.Digvijay Singh.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 09-05-2016 Heard the counsel for the petitioner and the counsel
for the State.

In this case the petitioner is claiming his revision of
the pension. As per the Pension Rule his pension has to be fixed
on the basis of the last drawn salary by the retired employee. The
petitioner was working as Motor Mechanic in Bihar College of
Engineering and he superannuated from service on 30.11.1998 as
a Head Motor Mechanic. On the date of superannuation the
petitioner was getting his basic pay Rs.2200/- p.m. plus other
emoluments. But the pension has been fixed in the pay of
Rs.1630/- per month accordingly pension has been fixed at
Rs.850/-.

The counsel for the petitioner submits that he being

a motor mechanic had no idea regarding fixation of salary or pension. But, later on, when it transpired to the petitioner that he is being paid lesser amount of the pension than actually he ought to have been given, he rushed to the authorities concern. But in utter disregard they did not do anything and compelled the petitioner to approach this Court.

Counsel for the petitioner further submits that the pension of the petitioner has been fixed by the University on the direction of the State Government and the authority of University did not apply his independent mind without following the principles of fixation of pension, they acted illegally adverse to the interest of petitioner whereas it should have been fixed on the basis of last pay drawn by the retired employees.

In such view of the matter, the Patna University is directed to make necessary correction in the fixation of the pension of the petitioner and also pay the arrears amount to petitioner in three installments within a period of three months from the date of receipt/production of a copy of this order.

With this observation this writ application is allowed.

(Shivaji Pandey, J)

AnilKrSinha/-

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