

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16657 of 2014

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Ramashish Rai son of Late Srikishun Gope, R/o Village Rajapur, P.O. Dihuli, Via Chandanpatti, District Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chief Engineer (North), Minor Irrigation Department, Muzaffarpur
3. The Superintending Engineer, Minor Irrigation Circle, Muzaffarpur
4. The Executive Engineer, Minor Irrigation Division, Muzaffarpur
5. The Treasury Officer, Muzaffarpur
6. The Zonal Manager, Bank of India, Muzaffarpur
7. The Chief/Branch Manager, Bank of India, Sakara Branch, Sakara, Muzaffarpur
8. The Accountant General, Birchand Patel Path, Bihar, Patna

.... Respondent/s

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Appearance :

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

For the Respondent Nos. 1 to 5: Mr. Tej Pratap Singh, AC to GP 17

For the Respondent Nos. 6 & 7: Mr. Brij Nand Kr. Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 30-01-2016

Heard the parties.

2. The petitioner has superannuated from service on 30.11.1993 from the post of Engine Driver, Minor Irrigation Division, Muzaffarpur and his all the retrial dues have been paid, but only grievance of the petitioner is that despite resolution of the State Government dated 23.09.2009, as contained in Annexure-2 to the writ petition, he has not been paid revised pension and other admissible dues as per aforesaid policy decision.

3. The learned counsel appearing on behalf of the parties are unanimous in their submissions that for redressal of valid grievances of the petitioner, the respondent no.7 is fully competent and, in fact, according to them, in the light of the policy decision of the State Government, he was required to pass

appropriate order for revision of pension and other admissible dues, but that has not been done.

4. In view of the nature of grievances raised on behalf of the petitioner in the present writ petition and in view of the policy decision of the State Government, as contained in Annexure-2 to the writ petition, this Court is of the opinion that instead of keeping the matter pending asking the respondent nos. 6 and 7 to file a counter affidavit with respect to the claims of the writ petitioner, the interest of justice shall be subserved if the petitioner is granted liberty to file a comprehensive representation with all supporting documents before the respondent no.7 raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

5. If such a comprehensive representation is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the respondent no.7 either himself or any other competent authority of the Bank of India shall be obliged to consider and decide the claims of the petitioner by a reasoned and speaking order, after giving an opportunity of hearing to the petitioner, at an early date preferably within a period of six weeks from the date of filing of such representation by the petitioner.

6. If on consideration of the materials including the resolution of the State Government, as contained in Annexure-2, the respondent no.7 or any other competent authority of the Bank of India, comes to a conclusion that the claims raised on behalf of the petitioner are admissible to him, then consequential orders shall also be issued for grant of such admissible claims without any unnecessary further delay.

7. The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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