

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7506 of 2015

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Awadhesh Prasad Mishra Son of Ram Shankar Prasad Mishra resident of village +
Post - Pator, Mohalla - Dharampur, Police Station - Pator (O.P.), District -
Darbhanga

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Agriculture Department, New Secretariat, Bihar, Patna
3. The Director, Agriculture Department, Bihar,
4. The Agriculture Production Commissioner, Bihar, Patna
5. The Regional Joint Director (Agriculture), Darbhanga
6. The District Agriculture officer, Samastipur
7. The Sub Divisional Agriculture Officer, Samastipur,
8. The Accountant General, Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner : M/s Suraj Narayan Yadav and
Ranjit Kumar Yadav, Advocates

For the State : Mr. Indradeo Prasad, SC 27

For the AG, Bihar: Mr. Kameshwar Pd.Gupta, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 23-08-2016

Heard the parties.

So far payment of commutation of pension of the petitioner is concerned, the State authorities are directed to take steps at once for the said purpose and the petitioner would make himself available for medical check-up on the date fixed so that necessary sanction letter with regard to commutation is sent to the Accountant General, Bihar, Patna as per the requirement of Annexure 11, within a period of two months from the date of receipt/production of a copy of this order.

So far the other grievance of the petitioner, i.e., pension fixation, is concerned, it is submitted that the same has not been done in proper scale.

The petitioner is directed to file a detailed representation before the appropriate authority, which shall take a decision upon the same on its own merit and in accordance with law expeditiously but not later than three months from the date of its filing.

The petitioner would be at liberty to raise the issue of grant of interest also on delayed payment of retiral benefit as he has submitted that he had retired in the year 2008 and the PPO concerned was issued in the year 2012 and even then payments were not made. Same was finally paid to him in the month of October 2015, thus, it is contended that in view of the decision of the State Government for payment of interest upon the delayed payment of retiral dues, he is entitled for such benefit.

This aspect will also be examined by the competent authority and if such interest is admissible then the same should also be paid to the petitioner within a period of three months from the date of filing of the representation along with a copy of this order on the rate which is admissible as per the Government decision.

Accordingly, this writ application stands disposed of.

(Dr. Ravi Ranjan, J)

SC/-

AFR/NAFR	NAFR
CAV DATE	NA
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