

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 20720 of 2011

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Er. Sanjivan Chaudhary Son of Late Mulchand Chaudhary resident of Mohalla-A/103, Sanjay Gandhi Nagar, Road No.-9, Hanuman Nagar, Patna-20.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Minor Irrigation Department, Bihar, Vikash Bhawan, Baily Road, Patna.
3. The Secretary, Water Resources Department, Bihar, Sichai Bhawan, Patna.
4. The Deputy Secretary, Minor Irrigation Department, Bihar, Vikash Bhawan, Baily Road, Patna.
5. The Chief Engineer (North), Minor Irrigation Department, Kachchisarai, Muzaffarpur.
6. The Accountant General, Bihar, Patna.
7. The G.P.F. Officer, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 26-02-2016

Heard learned counsel for the parties.

The only dues, as per the learned counsel for the petitioner, pertains to commutation of pension.

Learned counsel for the State submits that in view of him not having applied earlier, now as per the legal requirement, an application has to be made to the competent authority which upon sanction has to forward it to the

Accountant General. It is submitted that if the petitioner applies in the required format and completes the other formalities within four weeks from today, the authorities shall take appropriate action in accordance with law and, as the case may be, proceed to the next stage of forwarding it to the Accountant General.

In view of the aforesaid, the writ petition stands disposed off with a liberty to the petitioner to move before the respondent no. 3 within four weeks from today along with a copy of this order. The respondent no. 3 shall depute a competent person before whom the formalities required shall be completed by the petitioner within one week thereafter. The respondent no. 3 shall ensure that appropriate action in accordance with law is taken on the representation of the petitioner within four weeks from the formalities having been completed by the petitioner. Further, the petitioner shall be at liberty to file a detailed representation before the respondent no. 3 with regard to him being supplied the detailed calculation chart relating to payments made to him on various T.T.A. and T.A. Heads. If the same is filed within the aforesaid period, the respondent no. 3 shall also direct the officer concerned to furnish the detailed calculation chart to the petitioner within three weeks thereafter.

It is made clear that disposal of the writ application shall not preclude the petitioner from challenging the order by which the grant of 3rd A.C.P. to the petitioner has been withheld in terms of the decision of the committee dated

22.09.2015 in an appropriate proceeding in accordance with law,
the same being a separate cause of action.

(Ahsanuddin Amanullah, J.)

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