

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14840 of 2007

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Girja Nandan Singh son of Late Deolal Singh, resident of village-Mahuwa, P.O.-
Kaithee, Via-Obra, District-Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commandant, Bihar Military Police-13 Battalian, Darbhanga.
3. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate.
For the State : Mr. Sunil Kumar, AC to SC-21
For the Accountant General : Mr. Ram Kinkar Choubey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 01-07-2016

Nobody appears on behalf of the petitioner. Learned
counsel for the State is present.

The writ petition has been filed seeking a direction to
the respondents to revise and re-fix his pension on the basis of last
pay drawn.

The petitioner retired as Sup-Inspector of Police and
thereafter his pension was fixed on the basis of pay by not reckoning
the increment which was granted to him during the service period on
account of objection raised by the Accountant General that he was
not entitled to the same as he had not passed the Hindi Noting and
Drafting Examination, which was mandatory.

The petitioner has not made any grievance with regard

to there being any recovery of the extra increment which he is alleged to have received despite not having the requisite eligibility of passing the Hindi Noting and Drafting Exanimation. Thus, there being no averment with regard to any recovery, the respondents cannot be faulted for re-fixing the pension on the basis of notional exclusion of the increments which had been granted to him wrongly. It is well settled law that the State cannot be bound or stopped from correcting a mistake. In the present case, no recovery having been alleged in the writ application and also there being admission that the petitioner had not passed the said Hindi Noting and Drafting Exanimation, the prayer in the writ petition cannot be allowed.

For the reasons aforesaid, the Court does not find any merit in the writ application and accordingly, the same is dismissed.

(Ahsanuddin Amanullah, J)

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